

LORD BOWEN



Walker & Boutwell, Ph. Sc.

Charles Bowser

LORD BOWEN

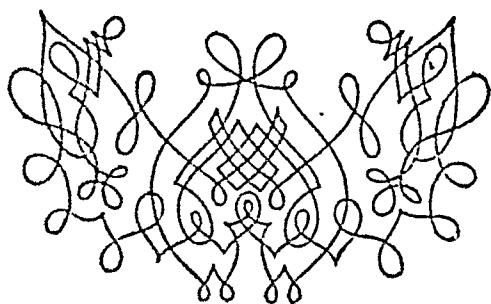
A BIOGRAPHICAL SKETCH

WITH A SELECTION FROM HIS

VERSES

By SIR HENRY STEWART CUNNINGHAM

K.C.I.E.



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P R E F A C E.

I HAVE to acknowledge my obligation to several of Lord Bowen's friends who have helped me in the compilation of this sketch—notably, to the Hon. George Brodrick, Sir Mountstuart Elphinstone Grant-Duff, Lord Justice Fry, Lord Davey, Mr. Justice Mathew, Mr. Bullock Hall, the Dean of Westminster, the Dean of Wells, Professor Robinson Ellis, the Rev. W. G. Cole, and the Rev. Arthur Austen Leigh, who have been good enough to furnish personal recollections or letters.

These communications, too long to be conveniently embodied in the sketch, and too valuable to be curtailed, are collected in a separate volume; but I have taken advantage of the writers' permission to make free use of them whenever it seemed desirable for the purposes of the memoir. It was in the first instance written for Charles Bowen's family, and I have occasionally inserted letters

run high in favour of the Claimant, and Mr. Hawkins and Sergeant Parry had, on one occasion, to be protected by the police against the violence of a mob. Mr. Hawkins's reply was not concluded till January 28, 1874, and the following day the Chief Justice began his summing up of the case. His charge to the jury lasted for eighteen sittings, and the keen interest with which the case was followed by the public may be gathered from the fact that the report of the Judge's charge in the *Times* occupied no less than one hundred and eighty columns of that paper. On February 28th the case closed, having lasted through one hundred and eighty-eight sittings. The jury found the accused guilty, and Mellor, J., pronounced a sentence of seven years' imprisonment on each count of the indictment.

Thus, from the middle of 1871 till the end of February, 1874, the burthen of this great case was weighing upon Bowen's mind. He devoted to it the whole of his powers, intellectual and physical. His familiarity with every fact in it was complete. He used to say that he did not believe that there was a single fact in the evidence, of which he was not fully cognizant, and of which he was not prepared on the spur of the moment to give an immediate and correct account—a

preparedness which his leader frequently put to the test. During the civil action it became an open secret that the Attorney-General depended largely on his junior's acumen and industry. The mental strain was tremendous. The previous preparation of the case, the consideration of the bearing of each piece of evidence, given each day through weeks and months of examination and cross-examination, upon the rest of the story—the long hours—day after day of unremitting attention in the oppressive atmosphere of a crowded court—three years of work done at the highest possible level of excellence, and frequently at moments when physical ill health made all exertion dangerous—all this, no doubt, seriously undermined Bowen's constitution, and did his health irreparable injury.

Hard-worked as the junior counsel were, they found leisure to poke a little good-natured fun at one another, and to relieve the tedium of the trial by an occasional outburst of frivolity. The following Wordsworthian narrative is a skit of Charles Bowen's at the loss of fees which his friend, J. C. Mathew, was supposed to be sustaining through his absorption in the Tichborne Trial.

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" 'And, Mathew, on yon Bench,' I cried,
 'Thou yet shalt sit as Chief.'
 To this he gloomily replied,
 'I am a withered leaf.'

" Meanwhile, about us and afar,
 Again arose the storm :
 Kenealy and the Chief at war,
 Each in the best of form.

" Of virtue, science, letters, truth,
 They talked till all was blue ;
 Of Paul de Kock, the bane of youth,
 Of Banfield Moore Carew.

" If fools are oftener fat or thin ;
 Which first forget their tongue ;
 Why all tobacco, mixed with gin,
 Is poison to the young.

" And whether Fielding's better bred,
 Or Sterne—so full of fun ;
 Poor Mathew sighed and shook his head,
 ' The Will of God be done.'"

The following supposed address by the Claimant, a "Baronet of the British Kingdom," to the leading Counsel for the Prosecution, also from Charles Bowen's pen, recalls pleasantly some of the humours of the trial.

LINES ADDRESSED TO MR. HAWKINS, Q.C., BY
 A. B. OF B. K.

" Though what you say of pore old Braine,
 Hawk'ns, have give me serous pain,
 Yet well she know, and i the same,
 Them as instructs you is to blame.

So, 'Awkins, if the crowd is cross
And anchor round to seise your hoss,
If Wicher cannot set you free,
Come in my Broom, and drive with me.

" I quite agrce with what you say,
'Awkins, in Court the other day,
That pore Kenealy's sad disgrace
Ought not to pregudice my-case ;
Bogle and i has always thought
He ain't a fought it as he ought ;
Why aggravate the Court and you,
When it's not nersessary to ?

" I lick the way you sets to work ;
Your highly paid, but does not shirk.
See how old Onslow catch it hot
About that pictur of the grot.
O, 'Awkins, had i had but you !
You knows what's what—and does it too.
Onslow and Whalley both may be——
'Awkins, you come and dine with me."

In 1872 Bowen was appointed, on Sir John Coleridge's nomination, Junior Counsel to the Treasury, professionally known as "Attorney-General's Devil," a post of much labour and responsibility, and regarded as a certain road to further professional achievement. Sir John Coleridge recognized the services which his junior had rendered to him in the Tichborne case and on other occasions, with generous and affectionate enthusiasm.

"Will you," he writes in March, 1872, "put the volumes I send herewith amongst your books for my sake? I am in some degree responsible for their publication, and they are dedicated to me. The copy is a large paper one, so it has at least the merit of rarity. But nothing I can give you can ever repay my debt to you, not only in this case (in which I desire to record the simple truth that you are the main author of the success we have had), but for many years past, during which you have been in all ways of unspeakable service to me, and during which my love and regard for you has deepened and strengthened day by day till it has become part of my nature, and can end only with my life.

"Your grateful and affectionate

"J. D. COLERIDGE."

Writing to Mrs. Bowen in April, 1872, Lord Coleridge says—

"I am very sorry Charlie does not get on faster; at the same time, considering the strain upon him, and the *superhuman* work he did for so long, and with such anxious feeling, I am half inclined to wonder sometimes he is no worse. Please God he will soon come round again. I am sure if I had worked half as hard as he did, or had cared as he did, I should have been dead long ago. Get him to be lazy and cold hearted, and you can't think how well he will be."

From 1872 forward till his appointment to a Judgeship in 1879, Charles Bowen was immersed

in his profession. He appeared on behalf of the Government in all important common-law and commercial cases, and his reputation was now so high as to render it an object with litigants to secure his services for cases in which individual interests were concerned. Some of these attracted much public attention, as, for instance, the prolonged inquiry into the Competence of the Arches Court of Canterbury to suspend Mr. Mackonochie *ab officio et beneficio*, the trial of Mr. Wilson for his views on the Inspiration of Scripture, and that of Mr. Voysey on a similar topic. His argument in *Julius v. The Bishop of Oxford* was the last, and perhaps the most brilliant, of his achievements at the Bar.

Of Bowen's method in the practice of his profession an interesting account is given by Mr. H. H. Cunynghame, now Under-Secretary at the Home Office, who was at one time—as also was Mr. Asquith—a pupil in Lord Bowen's chambers.

“Of all his characteristics perhaps none was more striking than the extraordinary pains he took over his work. His pleadings and opinions were revised again and again, and I believe that, if he had had a draft submitted to him every day of his life, he would have altered it every day in some particular. This habit was

due not only to the conscientious and anxious care he bestowed on whatever he did, but also to the acuteness of his critical judgment, which never could tolerate the smallest fault or even imperfection.

"To this thoroughness, as well as to the extraordinary subtlety of his intellect, he owed, I think, his success in those days. When I first joined his chambers, he recommended me to read Blackstone in the original edition, without the wholesale changes which have so marred the symmetry of that work. This recommendation was in pursuance of his favourite maxim, to rely on general principles in law, and take, as he used to express it, a bird's-eye view of a legal subject.

"Connected with this almost abnormal development of the critical faculty was his distrust of himself. He used, I really believe, to torment himself, even after his success was assured, with fears that he would find his chambers deserted, and get no more briefs. Every case he did, however trivial, absorbed his whole attention, and I am convinced that he often impaired his efforts in great cases, by the fatigue induced by his attention to small ones. 'Cases,' he said, 'are won at chambers;' and the pains he took, and the ingenuity he displayed in the preliminary steps of a case are inconceivable.

"It is difficult to decide whether or no he was an orator. If by an orator is meant one who can amuse or convince an intellectual audience, then few men had greater oratorical gifts. His keen sense of humour and taste for satire came out, not merely at the private dinner-table, but also on more public occasions. In court he was rarely very successful with juries, on account of the

great difficulty he felt in letting his mind run on the same line with theirs, or in understanding the views and mode of reasoning of an ordinary jurymen. But in court or at chambers, where the extraordinary originality of his reasoning found scope, he compelled attention, and his good humour, always ready on the slightest encouragement to break out into fun, lightened the heaviest proceedings.

"During a part of his career he certainly overworked his brain; but this, I suppose, is the inevitable fate of barristers of pre-eminent ability and of a highly and nervously organized temperament. But through all his work, his kindness of heart never flagged. He shrank, almost to a fault, from giving pain, and I am by no means sure that it would not often have been better for his pupils if we had had a sterner and even rougher master.

"Although no one would have placed Lord Bowen among the class of popular orators, it must by no means be thought he was incapable of making a good address on ordinary occasions. His addresses at the opening of the Truck Commission, and of the Featherstone Commission, are both models of a firm, judicious and conciliatory style.

"Those who knew him, believed that he had qualities far greater than those of a mere lawyer, and that, if his life had been spared, he would have played a part in the wider arena, to which he was called when he was made a peer, not less interesting and original than that which he played as a barrister and judge."

In 1875 the Bowens determined to have a

country home, to which they might send their children, and whither they might themselves repair in the holiday intervals of London life. They had, in 1872, purchased a cottage on Slaugham Common with this object, and they were now determined to migrate to Colwood, a pretty bit of Sussex between Cuckfield and Horsham, the scenery and quietness of which were greatly to the taste of both. Here much of their leisure time for the rest of Charles Bowen's life was spent. The change from London to a perfectly country scene was the best of medicaments for an overworked body and brain. In 1881 they partially rebuilt the house, on a scale better suited to the requirements of later life, and Lady Bowen's taste and care embellished it with lovely woodland. The place was congenial to them both. Its agreeableness was enhanced by the circumstance of their much-esteemed friends, the Dean of Westminster and Mrs. Bradley, choosing a country retreat in the same neighbourhood, an arrangement which allowed of a renewal of the intimacy of old Rugby days.

"During all last year," C. Bowen wrote to a friend in 1882, "my wife and I were building at our country house or cottage in Sussex—Colwood. We came to the conclusion that the air was so fine, and suited so well my

wife and the children, that it would be a pity to leave it. Accordingly at Colwood we settled. Last year we spent in building; this in catching cold in the rooms recently built; next year in furnishing and papering them; the year after in paying our bills—the order in which everybody proceeds who occupies a new house. This year, or the second of the series, we have spent our summer holidays at Colwood. Before doing so I went to Scotland to yacht, and in passing saw the Sellars. Do you remember Ardtornish, where you came to the conclusion that H. had a very frivolous set of friends? There it was, this summer, just the same, and Mrs. Sellar waving her handkerchief out of the window to the Sound of Mull.”

Bowen's busy professional life at the Bar and on the Bench left but little leisure or opportunity for speaking on non-professional subjects. Nor did his genius play at ease in its natural element at the commonplace level of after-dinner oratory. On a congenial occasion, however, he could speak with brilliancy and effect. At Oxford, for instance, in the hall of his old college and in the company of his old companions, he was at his very best. In 1877 a great festival was held at Balliol on the occasion of the opening of the new hall: Bowen was called upon at a very late period of the festivities to return thanks, on behalf of the fellows and scholars of the college, for a toast proposed in

their honour. Such a theme inspired him. Writing of this, Sir M. E. Grant Duff says—

“In January, 1877, I saw him obtain a real triumph. It was at the opening of the new hall of Balliol. The Master presided, and spoke admirably, so did the Archbishop of Canterbury, Dean Stanley, Coleridge, and several others. It was the very best after-dinner speaking to which I ever listened, but there was a great deal of it; and when Bowen rose in the body of the room to make the last speech, somewhere about midnight, he had, assuredly, no easy task. So well, however, did he play his part that, in a very few moments, the jaded audience was laughing with him, and felt, when he ended, that the gathering had received from him the final touch which made it perfect.”

The speech abounds in characteristic touches of seriousness, sentiment, and wit.

“I well remember the first time in my life that I ever received a letter from a great man. I had gone back to school, fresh from the fever of a Balliol examination, and two days later one, whose distinguished literary genius, whose fearless courage, and generous devotion to his friends have made his name a household word throughout the land, wrote to congratulate an unknown schoolboy on having been elected to a Balliol scholarship. It would be impossible to forget the words in which he described his own pride and pleasure in former times at having been elected a Balliol scholar, or how he dwelt on the golden opportunity afforded to those who are fortunate enough to join so noble a company. And it

was a strange chance when I found on entering this room—for the Master of Balliol, with the forgetfulness of genius, had omitted to tell me that I had to make a speech to-night—it was a strange chance by which I have found myself chosen in the name of the Fellows and Scholars of the present and the past to acknowledge a toast given in their honour by the writer of my first letter from a great man. Is there any one in this hall who believes it to be an easy task to stand here and speak in the name of the Fellows and Scholars of Balliol past and present? I will not allude to the historic past, on which the Dean of Westminster has dwelt. I prefer to speak of the Fellows of Balliol as my contemporaries, and as I knew them when we entered on our Oxford course. There was Jowett, the first tutor of the college, to whom, at the risk of offending his delicacy, I cannot refrain on an occasion such as this from openly acknowledging the deep debt of gratitude I and many others must always owe him. There was Woolcomb, the most courteous of Oxford tutors; Walrond, the modern Hercules, whose choice was always the choice of virtue; Lonsdale, absent in body to-night, but never absent from the recollection of those who experienced his kindness. There was Palmer, the best of friends; Riddell, whose life was all that is beautiful and good, the Sir Galahad of Oxford; Henry Smith, greater than Janus, whose gates face three ways, towards classics, mathematics, and philosophy. And next to the Fellows there were the Scholars. The memories of great names had descended to us at the Scholars' Table. Matthew Arnold, the shy student of the Thames, who has always been of the

company of the poets; Lord Coleridge, the worthy inheritor of a name dear to Oxford; Grant, the lucid interpreter of the greatest of ancient philosophers, of whom I was once a barren pupil. Holden and Hornby and Bradby, Fremantle, and Henry Oxenham, the glory of the Oxford Union, rivalled only by my friend George Brodrick. I cannot say with what delight I have found myself placed here between two brother-members, more distinguished than myself, of my old boat, behind whom I rowed when, under the guidance of Walter Morrison for the last time in many years, Balliol was head of the river. I recollect a famous passage in Chateaubriand where he describes his feelings on revisiting Venice in later life. He had seen her in his youth, and he saw her again when he was old. In one sense she was still the same Venice, still St. Mark's with its cupolas and its piazzas, still the Rialto, still the blue lagoons—and yet it was no longer the old Venice. Something in its glory had departed; and, reflecting on the loss, at last he came sadly to the conclusion that the wind which blows upon an older head blows no longer from a happy shore. The associations of travel fade; but the associations of our school and our University never alter. Venice may change, but Oxford and Balliol are still the same; and standing here to-night, I desire to express our deep recognition of the fortune that has enabled us to assemble once more within the shadows of our college walls, to refresh ourselves here in memory, the only fountain of perpetual youth, and once again, if only for an evening, to dream that we are young."

In the autumn of 1878 Charles Bowen's health

broke down too completely to allow of any attempt to struggle on without a break. It was obvious that nothing but a complete change of life and scene would suffice to restore him. He started, accordingly, on a protracted tour. He went, in the first instance, to Stockholm, and thence travelled on to St. Petersburg, Moscow, Kiev, and ultimately, Constantinople. His letters to his wife from each place give detailed and picturesque accounts of his experiences; but they were intended for a wife's eye alone, and it is better not to quote them. There is perceptible throughout a painful tone of exhaustion. He was evidently so prostrate with fatigue that the question of getting through the light labours of his tour was sometimes oppressive.

THE BENCH.

IN the following year an opportunity of relief presented itself. On the retirement of Mr. Justice Mellor, a Judgeship in the Queen's Bench Division of the High Court was offered to Charles Bowen. After some hesitation and misgivings, he determined to accept it. The decision was, in some senses, a death-blow to his hopes—his dreams of ambition. It closed the door finally on the possibility of a Parliamentary career. It forced him to acknowledge to himself—what he was always anxious to ignore—that health must be a dominant factor in his scheme of life, and that his failing physical powers made a continuance of the sort of life he had led for some years past impossible. The change, though it brought a welcome and salutary close to intellectual toil for which Bowen's strength had become wholly inadequate, was not without its drawbacks. The transition from the excitement of advocacy, and

from the participation in a succession of important and interesting cases to the uneventful tranquillity of the Bench, produced a painful reaction. Bowen had not been in a great practice long enough to lose a zest for it. He quitted it with regret, and with a sense of a tyrannous necessity, which overrode his fondest wishes; and he came to his new duties, unfortunately, without any such interval of rest as would have restored his enfeebled powers, and enabled him to start on the new chapter of his career with cheerfulness and satisfaction. He sank into great depression of spirits. As the first sensation of relief passed away, the surrender of ambitious hopes left a sense of disappointment. Nor were the duties of his new post sufficiently congenial to reconcile him to the change. The functions of a Judge, sitting at Nisi Prius, are not of the character for which Charles Bowen's faculties and temperament were especially suited. His mind was too rare, too subtle, too conscious of nice distinctions and refinements to make it easy for him to range himself on a level with the average Common Jurymen, and to put an argument in the way which he would find most lucid and convincing. It is probable that both Judge and Jury were conscious of the wide interval which separated them.

The anxieties of his first Circuit as a Judge were enhanced, at one Assize Town, by the disappearance of the High Sheriff, who, unconscious of his importance as chief representative of the legal executive, had the temerity to absent himself, for a Sunday's repose, from the scene of his responsibilities. The defaulter was, fortunately, recovered before his services became in request, and Bowen, not quite knowing in what terms such an irregularity should be rebuked, solved the difficulty by solemnly informing the truant official that he should leave to his own conscience to depict the enormity of his offence.

In the autumn of 1880 the Bowens took a house at Llantysilio, near Llangollen, in North Wales, in the hope that the change of scene and air might be beneficial; but the experiment was not altogether successful. Bowen's habitual gaiety was overclouded; his general condition remained unsatisfactory, his health wavering and uncertain; he was restless and melancholy. The friends who visited him in Wales were painfully impressed with the feeling that something was amiss. In the late autumn, when on a visit to his brother-in-law, Mr. Stuart (now Lord) Rendel, he had a very serious attack of illness. As to this Jowett writes, October 16, 1880, a letter of encouragement.

"I am very sorry," he says, "to hear that you are unwell, though, to say the truth, I am not very much surprised at it. For I thought, when I was with you, that you had a great load of overwork from which to recover, and you must expect during the next two years a good deal of oscillation of mind and nerves, before you can regain a firm or settled state.

"I hope that you will be very quiet and sleepy, and discharge your mind of care and anxiety. This sort of philosophy or religion is a discipline which I think that we can impress upon ourselves. You have, in all probability, thirty years of life before you, and can very well spare two of them for the recovery of health."

In one sense the change of life was altogether welcome. It promised the opportunity of renewing friendships for which the stress of professional work had left hardly any leisure. In replying to his old friend, the Warden of Merton, who had written to congratulate him on his appointment, Charles Bowen dwells on this pleasant prospect.

"I have always had to thank you for so much and such generous friendship that another piece of thanks does not add much to my obligation, though your letter added greatly to my pleasure.

"I do not seriously believe that many men could have gone through the physical fatigue I have for nearly ten years. I know *you* could not have done it; and, if a Judgeship comes at the end of it, I don't say that the honour is less appreciable; but the price paid has been heavy.

"I do delight to think that I shall get back to my old friends, I hope, after my long exile, and that, of all, you and I will meet much oftener, and live more together.

"Thank you so much. I am now, as always,

"Your grateful and affectionate friend,

"C. B."

With reference to his appointment to a Judgeship, Bowen writes to his old friend J. C., now Mr. Justice Mathew, a graceful letter, veiling under playfulness the desire to apologize to a competitor, whom for the moment he was leaving behind him in the race. The first paragraph refers to the religious parties which a late Lord Chancellor was in the habit of giving, and which—so ran the joke—aspiring barristers attended with a view to professional advancement.

"MY DEAR J. C.,

"Thanks for your kind letter. My religious character, I believe, was what ultimately brought the Judgeship down. Perhaps you are not aware *where* or *how* I spent last Sunday.

"Did you observe I had disappeared?

"Where was I?

"Echo pauses for a reply. I am afraid I am beginning to mix my metaphors, so I (like echo) pause.

"My dear J. C., I know, and the profession knows, that you are twenty times as fit to be a Judge as anybody

legal technicalities in comparison with the intrinsic merits of the case. A famous English Judge is reported to have observed complacently that a plaintiff, who had been ruined by suing "in trespass," might have succeeded if he had sued "on the case," but that, if trespass and case ever came to be confounded, there would be an end of English jurisprudence. Bowen's view of the value of legal formalities was the very opposite of this.

"Indeed," says Lord Davey, "a Judge of his clearness of vision and accurate habits of thought could safely dispense with the aid of pleadings. Lord Bowen, in his anxiety that justice should be done, was indulgent—some of his colleagues thought, over-indulgent—to slips of practice and mistakes. He would never let a client suffer, if he could help it, from the ignorance or carelessness of his advisers, or even his own obstinacy. One who sat with him for many years speaks of the extent to which he would 'let a blundering or obstinate litigant turn round and restate his case, or get his case tried, or do whatever he wanted.' 'It arose,' he said, 'from his great fear lest the litigant should not, in the end, get whatever was his right in the beginning.' 'It may be asserted,' says Bowen, in 1887, 'without fear of contradiction, that it is not possible in the year 1887 for an honest client in the Supreme Court to be defeated by any mere technicality, by any mistaken step in his litigation.' Some readers will, perhaps, think this boast a little rose-coloured."

It is, at any rate, the boast of a mind wholly free from that subservience to technicalities which has cramped so many otherwise fine judicial intellects, and has at times made the procedure of English Courts more like some intricate and bewildering game than a contrivance for finding out the truth and administering justice.

Lord Justice Fry, one of the most intimate of C. Bowen's friends on the Bench, and a colleague who probably saw more of his work from day to day than any other, has summed up his estimate of his judicial character in the following appreciative sketch, which, with his permission, I transfer from the article in which it first appeared.

"What impressed me almost most of all about him was his intense sense of duty in the discharge of his office. Both intellectually and morally he was keenly sensitive to anything which appeared to him like the enunciation of bad law, or still more to anything like the slightest miscarriage of justice. Either of these things seemed to inflict a personal—almost a physical—wound on him: and the pains which he took both to do his own part in the administration of justice to the very best of his great abilities, and, so far as he could, to secure the very best working of the machinery of the law, were infinite. He never wearied of investigating or discussing a point so long as he thought that anything remained to be got at—or that there was any hope of bringing about an

agreement of opinion amongst colleagues who were inclining to differ : and anything like a suggestion to him that he was worrying himself more than was necessary he always gravely put aside. I doubt whether those who listened to or read his brilliant judgments would have the least notion of how much thought and persistent effort he had given to them : and the extreme rapidity of his intellectual operations made this all the more remarkable to those who by daily intercourse saw 'the very pulse of the machine.' If Bowen had any personal ambition, it was entirely subordinated by him to the sense of duty to which I have referred—so completely that I do not believe that it was an efficient principle to any extent in his actions or his thoughts. Furthermore, I do not believe that he had any vanity. It is a very common characteristic of men of great abilities ; but I never detected a trace of it in him."

Lord Justice Fry has been good enough to supplement the foregoing summary by a more detailed description.

"When Bowen became a Judge of the Court of Queen's Bench, a friendship began between us and our families ; and after I followed him, by about a year, into the Court of Appeal, my intercourse with him was constant. We often sat in the same Court, and for years may almost be said to have worked shoulder to shoulder. In the last note I had from him he described himself as a horse who had lost his stable-companion (by my retirement from the Bench).

"In the moral qualities which befit a Judge he was, I think, perfect. I have already endeavoured to express

in a passage which you know what most struck me about him in that respect ; nor do I know that I can add much to it.

“Intellectually his very excellences were, to some extent, defects, and they were his only defects. The rapidity and subtlety of his mind were so greatly in excess of these qualities in most men, and even of most able men, that they sometimes produced want of harmony in the positions of his mind and of those of the others, whether Judges or Counsel, who were engaged in the discussion ; and sometimes his most brilliant judgments were, I believe, hardly appreciated by those who heard them. The rapidity of his mental operations, the suddenness with which he grasped the facts and arguments of a case, were surprising. If as of course sometimes happened, he had made some omission or error in his apprehension of the case, he was equally rapid in his appreciation of the least suggestion of his error, and in the rearrangement of the whole subject in his mind. It was just the same in a game ; he saw, as it were intuitively, the whole position of the board and the relations of the pieces ; and I have heard it said that if he were present on any occasion, when some speech or event caused general amusement, a distinct interval of time could be perceived between the first ripples from Bowen and the general roar of laughter. The result of this great rapidity was that the advocate opening a case was often outrun by his hearer ; and that, whilst he was laying the foundations of his argument, Bowen was engaged in the critical examination of the details of the ornaments of the top story. So, too, with regard to the

subtlety of his mind. Details, distinctions, which seemed to most minds subtle, refined, microscopic, appeared, I believe, to his mental eye to stand out broad and clear as the strong features of the matter. What seemed molecular to most minds seemed massive to him; and this was not without its drawbacks in a world where law is concerned with the common affairs of common men; and I believe that it made him less successful in addressing juries both from the Bar and from the Bench than many men of lesser intellects.

“He held the highest possible views of the duties of the judicial office, and he was very jealous of the independence of the individual Judge; very unwilling to lay down or allow the laying down of any rules of practice which should fetter the discretion or limit the power or responsibility of each man in the discharge of that high office.

“It is impossible to think of Bowen in connection with the Bench without recalling some of those delightfully humorous accounts which he sometimes gave of his sufferings there. One speech at a Middle Temple dinner, in which he described his labours in the search after ‘an equity,’ and illustrated it by a story about Confucius and his disciples, must, I think, survive in the memory of most of his hearers.

“Bowen was not incapable of just anger. No man of a high and noble nature, such as his, could possibly be so; and he was acutely wounded by anything which he thought to be deliberate unkindness towards himself or others. But of sharpness or unkindness he was as incapable as of stupidity; and I can hardly recall that I ever heard an impatient word from his lips upon the Bench.

"To me the recollection of the days in which he and I worked together in the duties of our office—lightened as they were to me by his constant kindness, as well as by the aid of his great powers—will ever remain one of the brightest of my life. But even to the casual observer it must have been apparent that he

‘Hath borne his faculties so meek, hath been
So clear in his great office,’

that his loss to the country is no ordinary one."

Another of his colleagues, Mr. Justice Mathew, whose friendship dated from the days when they were both wandering in the cold shades of brieflessness, bears a similar testimony.

"My acquaintance with Bowen," he writes, "began after his call. He had been ill, and had returned to work somewhat anxious and despondent. Coleridge, who was an early friend, and had a great admiration for him, cheered him with an offer to share his chambers. This helped to make him known, and Coleridge, who was most faithful to those he liked, was constant and confident in predictions, the speedy fulfilment of which he was enabled in some measure to secure.

"Bowen's first appearance in Court was not successful. He was most graciously received in the Queen's Bench by Cockburn, who had heard of him. Many of us, as Juniors, had learned 'to trace the day's disasters in the morning face' of the C. J.; but he beamed upon Bowen. Alas! a weak voice and a delivery hesitating and somewhat over-refined for the rough and rapid work of the Bar,

annoyed the great man, and he ceased to listen. Bowen had to bear the disappointment, with which most of us have started; but the incident did not occur again. Those who succeed and those who don't, as a general rule, fail only once.

"We became intimate friends. He soon got into business, and we were often opposed to each other. He was strenuous and adroit in controversy, but he was always considerate, and never forgot that his adversary was a comrade and a learned friend. Through his whole career at the Bar and on the Bench he remained the same. Time had not hurt him. He was always kindly, bright and youthful, ready to discuss any subject, literary, political, or professional. Even when he chose to be frivolous he could be intellectual; and his peculiar humour played about and brightened all he said. He was altogether free from affectation, and never was there a mind clearer of cant. With a certain dignity that the consciousness of his power gave him, he was never dictatorial or self-important; and he could listen, sometimes under trying circumstances, without the slightest appearance of effort. Commonplace people enjoyed his society as much as those of his own scholarly kind. His courtesy made them for the time his equals.

"While he was at the Bar, and, afterwards, on the Bench, he was in the habit of discussing with great eagerness the cases that came before him. He called in a friend, less to assist him with advice than to arbitrate between the conflicting views, which were presented by him with extraordinary subtlety and minuteness. He explored every corner and cranny of the evidence, and

turned over every small fact with unwearied curiosity, lest anything should escape him which might afford a clue to the right conclusion. He was not often wrong.

"He was sensitive to a fault, as are so many of the highly trained Oxford men—as, notably, was Newman. A strong opinion in confident language ruffled him; an incautious phrase wounded him. A slight uneasiness of manner, or a short interval of silence, showed that something had gone wrong, and had to be set right. He was as sensitive for others as for himself, and I have more than once heard him offer a prolonged and embarrassing explanation to some solemn colleague or grave divine, of something he had said that he thought might not have been liked.

"His humour was his own, and was most difficult of description. Something sparkling and original might always be counted upon. His manner never foreshadowed the good thing coming. His melancholy air diverted all suspicion. But a certain cheerful gleam of his eye, and a kindly smile that hovered about his lips, rescued many an excellent jest from the peril of being overlooked.

"He was the most loyal and generous of friends. Looking back over many years, I have known few upon whom Heaven conferred so much genius, so benevolent a disposition, and so manly a character. In his fidelity to all the charities of life, great and small, there never was a better Christian.

"He was strongly Liberal in his opinions, and the profession is largely indebted to him for reforms in the law, and for a better system of legal education. Many of the Resolutions of the Judges on the subject of

procedure were prepared by him ; and his colleagues were much influenced by his advice in the proposal for the creation of a Court for the revision of sentences—a reform not likely to be carried in these timid times, but with the necessity for which he was profoundly impressed.”

One of Lord Bowen’s colleagues in the Court of Appeal referred to him, at the time of his death, as having “given us perfect essays, in the form of his judgments, which can be handed down to our successors as models of absolute perfection.” Lord Davey, in the article from which I have already quoted, mentions several occasions which afforded room for this artistic completeness of treatment, and for the research, subtlety of thought, thorough mastery, luminous exposition, and courageous application of great principles to the facts and business of life, which gave Lord Bowen’s judgments their special character. In one of these,* he deals with what is known to lawyers as the “right to support” (*i.e.* of one of two contiguous buildings to support by the other), and explains how the assumption of a lawful origin of the enjoyment, on which such claims are based, had been narrowed by the distinction so long drawn in our Courts between law and equity ; and goes on to point out that “at the

* *Angus v. Dalton*, L. R. 3 Q. B. D. 85.

present date, when law and equity are fused, the proposition should be recast in a more liberal form, viz. that the law will presume any *lawful*, and not merely any *legal* origin, consistent with the facts of the case : " a proposition from which it resulted that " it would not now be sufficient to disprove a legal origin unless the possibility of an equitable origin were disproved as well." In another judgment,* this same breadth of view and courage in expounding the law so as to meet the altered circumstances of society, are equally conspicuous. In this case a manufacturer of a particular class of guns and ammunition had transferred his business to a company, and had undertaken not to compete with it so long as the business continued to flourish in the company's hands. The question arose whether the undertaking not to compete was invalid, as being a " contract in restraint of trade," such as the policy of English law discountenances. According to the old common law, a contract of this nature, except within certain jealously prescribed limits, was regarded as an unwholesome interference with personal freedom in a matter in which it was, on public grounds, expedient that every man should

* *The Maxim Nordenfelt Guns and Ammunition Company v. Nordenfelt*, L. R. 1 Chanc. 630.

be as free as possible. No such contract, accordingly, could be enforced, and the person who had made the contract was at liberty to treat it as a nullity. In the present instance, however, the contract extended practically to the whole of Europe. It became necessary, accordingly, to decide in what manner and subject to what limitations the old common-law doctrine should be applied to modern modes and conditions of business. After tracing the common-law doctrine from its origin, and the course of judicial decisions, Lord Bowen went on to show how the present conditions of the civilized world justify and, indeed, necessitate a far wider definition of the policy of the English law than that which adequately served the purposes of an earlier and more rudimentary condition of society.

“A covenant in restraint of trade made by such a person as the defendant with a company, which he really assists in creating, to take over his trade, differs widely from the covenants made in the days of Queen Elizabeth by the traders and merchants of the then English towns and country places. When we turn from the homely usages, out of which the doctrine of *Mitchel v. Reynolds* sprang, to the central trade of the few great undertakings which supply war material to the executives of the world, we appear to pass into a different atmosphere from that of

Mitchel v. Reynolds. To apply to such transactions as the present the rule that was invented centuries ago in order to discourage the oppression of English traders, and to prevent monopolies in this country, seems to be the bringing into play of an old-fashioned instrument. In regard, indeed, of all industry, a great change has taken place in England. Railways and steamships, postal communication, telegraphs, and advertisements, have centralized business and altered the entire aspect of local restraints on trade. The ancient rules, however, still exist; it is desirable that they should be understood to remain in force; but great care is evidently necessary not to force them upon transactions which, if the meaning of the rule is to be observed, ought really to be exceptions."

* * * * *

"Can it then be said that a contract by which he consents to the transfer of the business of making guns and ammunition for foreign lands to an English company, with whom he undertakes not to compete so long as the old trade is flourishing in their hands, is against the policy of English law? So to hold would surely be to reduce to an absurdity the law of restraint of trade. I answer the question in the words of Lord Nottingham in the Duke of Norfolk's case: 'Pray let us so resolve cases here, that they may stand with the reason of mankind, when they are debated abroad.'"

In another case,* the question to be decided was whether the conduct of certain shipowners, engaged

* *The Moghul Steamship Company v. McGregor*, L. R. 23 Q. B. D. 598.

in the China Sea Trade—who had combined to take away the business of the plaintiff by “smashing” freights and offering other advantages to shippers in consideration of their agreeing not to employ the plaintiff’s vessels—amounted to an illegal conspiracy, and justified a claim for damages. Lord Bowen’s judgment laid down with emphasis the doctrine that it did not.

“The substance of my view,” he said, in summarizing his judgment, “is that competition, however severe and egotistical, if unattended by circumstances of dishonesty, intimidation, molestation, or such illegalities as I have above referred to, gives rise to no cause of action at common law. I should deem it a misfortune if we were to attempt to prescribe to the business-world how honest and peaceable trade was to be carried on in a case where no such illegal elements as I have mentioned exist, or were to adopt some standard of judicial ‘reasonableness’ or of ‘normal prices’ or ‘fair freights’ to which commercial adventurers, otherwise innocent, were bound to conform.”

Judicial pronouncements are among the forms of literary produce which will least easily bear transplantation from their native soil, and of which it is least easy to give any adequate account in a form and within limits suitable for non-professional readers. They must be read with their surroundings, and their surroundings are, for the most part,

more than the unfee'd industry of the layman has the courage to confront. The cases mentioned may, perhaps, convey some idea of Lord Bowen's general mental attitude and method on the Bench. I will add but one other quotation from a case * in which he was dealing with a subject which of late years has become of increasing interest in the Courts—the evidence of scientific experts, and the degree in which judicial tribunals should be guided by it.

“If we are to act in the present instance, we must fall back upon the opinions of experts, and I wish emphatically to state my view, that in a matter like the present, so far from thinking the opinions of experts unsatisfactory, it is to the opinion of experts that I myself should turn with the utmost confidence and faith. Courts of Law and Courts of Justice are not fit places for the exercise of the inductive logic of science. Life is short; it is impossible to place endless time at the disposal of litigants; and the laws of evidence are based upon this very impossibility of prolonging enquiries to endless length. There is hardly a scientific theory in the world which, if we were to examine into it in Law Courts, might not take year after year of the whole time of a tribunal. Supposing, for a moment, one had brought in question the circular theory of storms, and were to propose before a tribunal like this to examine it, not by reference to the opinions of the most experienced persons who have made it a subject of study and investigation,

* *Fleet v. The Managers of the Metropolitan Asylums District*, 2nd March, 1886.

but to enquire ourselves into all the special circumstances of storms, with which witnesses could favour us, who had crossed the Atlantic or the Eastern Seas in order to form our opinion, assisted, no doubt, by scientific men, as to the circular theory of storms, with all the qualifications which might be adopted, and with all the definitions in which it might be embodied. Take another instance of a law which is very far from likely to be accepted by science, but most probably would be rejected as pure theory, and as utterly beyond reason. I believe there are many persons in India who endeavour to connect the existence of famine raging over tracts of country with spots on the sun. Supposing that theory were brought up in an English Court of Law, we should be bound to embark on an endless enquiry into all the instances in which spots on the sun had been found to be coincident with famines in India. The truth is, when you are dealing with scientific theories, it is hopeless for Courts of Law to do more than to take the evidence of the scientific men, subject, no doubt, to cross-examination, which may or may not condescend to particular instances, which may be brought home to them to show, if it exists, the uncertainty of the grounds upon which their opinions are founded. The result of the admission of this evidence, assuming it, as I do, to be admissible, has been, in my judgment, to show that the endeavour to utilise such evidence launches us upon an enquiry fit only for the leisure of learned and scientific men, but for which the jury system and the judicial system are probably inadequate."

It is to be regretted that Bowen should not have enriched the legal literature of his country

by any standard work. No one certainly of our day was more qualified to raise any topic out of the dreary level of text-books and reports, to free it from the tangled and bewildering undergrowth of technicalities, and to view law from the dignified standpoint of philosophy.

Bowen's training in the Oxford schools, his speculative turn of mind, his faculty of analysis, his subtlety of thought, all tended to qualify him in the highest degree for handling the subject with the grasp and weight necessary to a philosophic treatise. But his taste strongly disinclined him from any such attempt. He seems to have felt no ambition for, scarcely any belief in, literary success in this direction.

"Is it worth having?" he says in a letter to one of his friends; "I think life is very well worth living. I have no cynical views about it; but I do not think so very many things are worth having. Especially does the desire to attain immortality by writing a book on English law seem to me a doubtful passion. You write a history of the law, or a treatise about it, and then a puff of reform comes and alters it all, and makes your history or treatise useless. If I were at all able or disposed to write, I am sure that literary art lives longer than mere literary bricks and mortar. Poetry lives as long as most prose; but, of all prose, a book on English law strikes me as least readable, and most certain to expire by an early death."

However little disposed to engage personally in the scientific treatment of law, Charles Bowen was as far as possible removed from the school of thought which questions the existence of legal science, or, at any rate, its expediency. In January, 1884, he presided at the annual meeting of the Birmingham Law Students' Society, and took the opportunity of enforcing the view—which he himself, an admiring student of Sir H. Maine, held strongly—of the value of the historical method as applied to the study of the Law. He drew a vivid picture of the “dismal, boundless, unknown land” which presents itself to the pilgrim steps of the law student.

“Is it possible,” he asked, “to introduce a gleam of sunshine and to furnish a silver thread to guide the law student through the tangled labyrinth of a law library? Wanted, then, a method of studying the law pleasantly. Now, I believe that there exists such a method, absolutely scientific, full of interest, capable of satisfying the finest intellect, because it affords a scope for every power. Law is the application of certain rules to a subject-matter which is constantly shifting. What is it? English life! English business! England in movement, advancing from a continuous past to a continuous future. National life, national business, like every other product of human intelligence and culture, is a growth—begins far away in the dim past, advances slowly, shaping and forming itself by the operation of purely natural causes.”

To this changing subject-matter the rules of law have to be applied—some, mere rules of common sense, fair play and business convenience; some, specific enactments designed for special cases—but all gradually changing, undergoing an evolution, moving as human intelligence moves, “and taking a colour, form, and elasticity from the nature of transactions to which they are applied.”

“The chief difficulty is not so much to discover the principles as to learn how they should be applied. To do this the student has to look for the elements of his art in successive strata, or layers, of authorities, documents, and judicial decisions, each of which is the product of its own particular time, and requires to be studied with reference to it.”

From this it follows that the only reasonable, the only satisfactory, way of dealing with law is to bring to bear upon it the historical method.

“Mere legal terminology may seem to you a dead thing. Mix history with it, and it clothes itself with life. You have not even to travel far to find the history to mix. Look for it in the legal material itself; and the history, like water in a fertile soil, is ready there at hand, and will well up into a spring. There before your very eyes, in the fragmentary decisions of the Law Courts, and in the glossaries of Commentators, you will see consecutive chapters of the narrative of the progress of the human race.”

To a possible objection that such a view only proved how impossible it is to be a lawyer, Bowen explained that he was not putting forward any Utopian scheme for mastering all law at once, but a mode of arranging such knowledge as we can acquire.

“English law can not be learned in a day. Yet there is all the difference between attacking the study of it on no method at all, and attacking it upon a method which strews flowers over the student’s path as he pursues his pilgrimage.”

Such a method gives new meaning to all the busy processes of life which the student sees around him, in every direction of human enterprise.

“A study of law so executed will become one full of interest. Its effect will be to make that study a living thing, to put life into dead bones, to illuminate with sunshine dusty books. I am astonished when I hear at times the suggestion that our profession must be dull. The truer view would be that our work is inordinately engrossing. Time runs by the lawyer far too like the race in a mill-stream. . . . Is the occupation narrowing to the mind? Can it ever narrow the mind to learn to perfection the story of human life? Will it tend to narrow, or to enlarge the mind to construct for ourselves, in a connected form, the knowledge of human life, as Englishmen have pursued it since the memory of English justice? Science or Art, I care not which it be that challenges us,

I unhesitatingly aver that, followed on the lines I have endeavoured to sketch out, there is not a study in the world more exact, more liberal, more elevating."

In this connection a more than personal interest attaches to a letter which, some years later, Bowen wrote to his friend, the Dean of Wells, with reference to the choice of a profession for the Dean's son, in whom, as a godson, Bowen felt an especial interest.

"As for the law, it is of no use following it, unless you *acquire* a passion for it. He may not have one *now* for it. That is unimportant. I have known men develop a fondness for it, who never would have dreamed it possible that they ever could like it. But a passion in the end is necessary if he is to succeed. I don't mean a passion for its archaisms, or for books, or for conveyancing; but a passion for the way business is done, a liking to be in Court and watch the contest, a passion to know which side is right, how a point ought to be decided. This kind of 'professional' passion, as distinct from 'student' passion, is necessary."

It is probable that the development, to which Lord Bowen refers, had taken place in his own case, for it is certain that at one time he felt so little passion for his profession that it needed some fortitude not to abandon it. On his return from Norway in 1865, in the course of a Sunday walk

with the Dean of Wells, he confided to him, "I simply hate law;" adding, however, "a man may be a fool to choose a profession, but he must be an idiot to give it up."

Bowen's sense of the dignity and scope of law made itself apparent in his zealous support of every scheme for improving the constitution and procedure of the Courts, by which it is to be expounded and enforced. No Judge devoted himself with more assiduity to this branch of his duties.

In the January number for 1886 of the *Law Quarterly Review*, C. Bowen published an Essay, in which he described the effects of the changes which had been of late effected in the structure and procedure of the Law Courts, and called attention to various points peculiar to the development of the new system which seemed to claim special consideration. The supersession of the historic Courts of the Queen's Bench, Common Pleas, Exchequer, and Exchequer Chamber by a Supreme Court of Judicature, was, no doubt, a wise and necessary reform; but it would, the writer urges, "be a mistake to undervalue the merits of the machinery that we have abandoned, or to suppose that the superior machinery, which has been substituted, is free from its own elements of weakness." The

defects of the former system had, no doubt, been remedied by recent reforms ; but those very reforms had, in their turn, produced evils which required to be rectified or to be watched. One of the points incidental to the new *régime*, which called for consideration, was the serious accumulation of arrears in the Chancery and Queen's Bench Divisions. The state of the cause-list in the Queen's Bench in 1885 made it obvious that either the number of Judges must be increased, or that measures should be devised for a more rapid administration of justice. The arrears in the Chancery Division were still more serious. The discussion as to the most expedient manner of meeting the difficulty is, necessarily, of a highly technical character, and scarcely interesting except to those practically conversant with the subject. The article, however, is valuable as an excellent specimen of the conscientious thoroughness with which Bowen thought out every detail of a tiresome controversy, and of the zeal with which he elaborated every available means of rendering the administration of justice as efficient as possible.

Two other contributions of a like character may here conveniently be mentioned. In 1887 Mr. Humphrey Ward published, in honour of the Queen's Jubilee, a collection of essays illustrative

of the course of development which English Society—science, trade, and the various great Departments of State—had undergone during the preceding fifty years. Lord Justice Bowen contributed a chapter on “The Administration of the Law,” which is an excellent specimen of his style and method in dealing with a professional subject. He gives a graphic description of the technicalities, confusions, and obscurities which beset litigation at the beginning of Queen Victoria’s reign, and of the endless delays, ruinous expenditure, and frequent miscarriages of justice to which they conduced.

“From the beginning of the century,” he says, “the population, the wealth, the commerce of the country had been advancing by great strides, and the antient bottles were but imperfectly able to hold the new wine. At a moment when the pecuniary enterprises of the country were covering the world, when railways at home and steam on the seas were creating everywhere new centres of industrial and commercial life, the Common Law Courts of the country seemed constantly occupied in the discussion of the merest legal conundrums, which bore no relation to the merits of any controversies except those of pedants, and in the direction of a machinery that belonged already to the past.”

Bowen describes, with all the zest of a law-reformer, the gradual course of improvement till

the great measure of 1873 gave the final blow to the old system by the establishment of a Supreme Court, every branch of which administers the same principles of Equity and Law, and is governed by a common and simple procedure. No better summary could be wished; but the article is more than a summary. It breathes throughout the spirit of a man who shakes himself free from professional prepossessions and prejudice, and rises naturally above the level of the subjects amidst which his life is passed, into that higher and more luminous atmosphere where general views present themselves, the gradual processes of growth and development become apparent, and general tendencies and principles can be evolved.

In 1892, again, Bowen rendered an important service to the Profession and the Public by communicating to the Press a dissertation on the scheme of Reform recently forwarded by the Council of Judges to the Home Secretary. The occasion was one of interesting novelty, for it was, probably, "the first time in English history that the entire body of the Judges of the land have approached the Crown with a report on the defects of the present administration of justice, and with a scheme which they have prepared for its improvement."

The right so to report was conferred by the Judicature Act upon the Council. At the opening of 1892 the Council appointed a Committee; the Committee sat every day after Court for four months, and its report, with some few alterations, was, after a three days' debate, adopted by the Council. The proposed reforms were embodied in a string of resolutions numbering about a hundred. They dealt with the whole subject of Civil Procedure, the arrangements of the Courts, the Circuit System, the distribution of Judicial Power, the Question of Appeal, the undue burthen thrown on the Chancery Judges, the creation of a special Court for speedy dispatch of commercial cases in London, the procedure in administration suits, declaratory decrees for the interpretation of deeds or other documents, the regulation of costs, the review and control of criminal proceedings and sentences by appeal or otherwise. The task of setting forth so wide-reaching, multifarious and technical a project in language intelligible to the lay community, and with sufficient lightness and brevity to be endurable by the average industry of mankind, was no easy one. It fell to Charles Bowen's lot to perform it, and the two articles communicated to the *Times*, 1872, entitled, "The

Judges' Reforms, by a Member of the Bench," give an excellent idea of his power of exposition, and of the indefatigable diligence with which he had considered every branch of a laborious and, in many respects, unattractive topic. No man ever worked with more conscientious assiduity at tasks which had nothing in them of a nature to catch the popular eye, or to bring their author into publicity, but which, none the less, tended to render the judicial machinery of the country more conducive to the interests of justice and the convenience of the public.

Profoundly impressed by the dignity of Law, the importance to the community of its adequate administration, and the responsibility of those to whom that administration is entrusted, Bowen naturally felt acutely anything which tended to impair the popular estimate of the judicial office. In 1887, the heated controversies which arose as to the Irish magistracy had given rise to disparaging observations, which, coming from a distinguished Parliamentary leader, were calculated to suggest a suspicion that English Courts of Law were not invariably exempt from the taint of political or other external influence. The accusation was so conspicuously baseless that no attention was ever given

to it, except as a striking instance of polemical extravagance ; but an opportunity presented itself of commenting on the offence in a tone of dignified reproof.

On May 18, 1887, the Lord Mayor, Sir R. Hanson, himself an old Rugbeian, gave a Rugby Dinner at the Mansion House. The French Ambassador, the Earl of Derby, Mr. G. Goschen, Chancellor of the Exchequer, Dr. Vaughan, Dean of Llandaff, Mr. Thomas Hughes, Mr. Matthew Arnold, the Dean of Westminster, Sir Horace (now Lord) Davey, and a great company of loyal Rugbeians responded to the hospitable invitation. In the course of the evening, Lord Justice Bowen, in replying to the toast of "the Bench and the Bar," created a deep impression by expressing, in a few weighty but not unimpassioned words, his indignant repudiation of a calumnious charge. "These are not days," he said, "in which any English Judge will fail to assert his right to rise in the proud consciousness that justice is administered in the realms of Her Majesty the Queen, immaculate, unspotted and unsuspected. There is no human being whose smile or frown, there is no Government, Tory or Liberal, whose favour or disfavour can start the pulse of an English Judge

upon the Bench, or move by one hair's breadth the even equipoise of the scales of justice." "The speech," writes Sir Reginald Hanson, "was most enthusiastically received, perhaps more warmly than any other of the brilliant speeches of brilliant men." "Rugby on this occasion, we think," observed a writer in the *Spectator*, "touched its highest point in the noble pride of the great lawyer."

SOCIETY AND LITERATURE.

FOR many years of his life Charles Bowen was too much absorbed in his professional work to have either leisure, strength, or inclination for Society. His days, and, too often, his nights, were occupied in the painful endeavour to keep pace with ever-increasing demands for his services either in Court, or as an adviser on questions of legal difficulty. After his elevation to the Bench, his failing health offered frequent impediments to social intercourse, except within a restricted circle. For some years, however, after his elevation to the Bench, Bowen found opportunities of enjoying the pleasures of sociability. In 1878 he had been elected a member of the Athenæum, and in 1880 of the Literary Society, and of Grillon's. He was also a member of the "Dilettanti," and of "The Club." Sir M. E. Grant-Duff gives us glimpses of many pleasant scenes which Bowen's presence helped to make

pleasanter—dinners at Grillon's and the Literary Society, visits to Hampden, Sundays at York House, afternoon gossips at the Athenæum—faint and ghostly echoes of a world from which so many who did most to enliven it have already passed away! Bowen's brilliant talk, ready sympathy, playfulness, wit, and personal charm made him a welcome guest in circles where his graver intellectual powers would hardly have been understood or appreciated. He could always be amusing, and humanity is thankful to any one who can and will amuse it. There is a natural and laudable craving for something better, brighter, more interesting than the ordinary level of social intercourse. Of Charles Bowen's charm no one who came within the sphere of his attractions could have a doubt. His witty sayings passed from mouth to mouth. He became in great request. His presence was supposed to ensure the brilliancy of an entertainment. Accomplished hostesses, whose business it is to organize brilliant entertainments, marked him for their own. Bowen was not insensible to such an appeal. His strain of Irish blood disposed him to sociability. He felt the interest and excitement of conversation. He formed many agreeable acquaintances, several much-valued friendships.

Congenial companionship is the best of all anodynes for harassing anxieties, the tedium of professional work and the depressing consciousness of an impaired constitution and failing health. Bowen enjoyed the society of his species with the zest of a sensitive and sympathetic nature, unspoiled by self-indulgence, and safe-guarded through its perilous epoch by pure taste and an austere standard ; but Society was with him but an episode, not perhaps an important episode, in a busy career ; it formed no part of his more serious existence. From the outer world that serious side was carefully concealed. Those who knew him but superficially found it difficult to believe that so much brilliancy and such ever-ready fun could be combined with gravity of thought, a profound philosophy of life and a deep undercurrent of melancholy. But playfulness is oftentimes a natural precaution against being tempted to reveal the bitterness which each man's heart knows, and in which he wishes no companionship. Charles Bowen was, it may be, sometimes the victim of such a mood. He shrank, even with his intimate friends, from handling serious topics, and sometimes, when conversation threatened to invade the domain in which he preferred to maintain an unbroken reticence, would divert it into a

less serious channel by a remark that seemed to disappointed listeners merely frivolous. It was not frivolity, however, which was the motive cause of his behaviour, but a sense of the importance of such topics, the magnitude and solemnity of the issues involved, the superficial and inadequate treatment which they must receive in any general gathering, however carefully selected.

Some of the occasions on which Bowen's gifts of sociability showed themselves to the greatest advantage were the dinners of the "Literary Society," at whose monthly dinners, presided over by Lord Coleridge, many of Bowen's intimate associates were accustomed to assemble. Among its frequenters were Mr. George S. Venables, himself a distinguished proficient in the art of good conversation, Hon. George Denman, a scholar of high traditional fame, Mr. Spencer Walpole, who is now, as was his father before him, president of the Club, Sir James Fitzjames Stephen, Mr. Lecky, Mr. Birrell, Sir M. E. Grant-Duff, Canon Liddon, Canon Ainger, the Dean of Westminster, Sir A. Lyall, Mr. Henry James, Mr. G. Du Maurier, and Mr. Sidney Colvin, whose rights as *arbiter bibendi* entitled him to rule the feast with despotic authority. Lord Coleridge, certainly one of the best *raconteurs*

of his day, did full justice to the presidential chair. Stimulated by congenial surroundings, he would pour out his reminiscences of Bar and Bench and Parliament in an unfailing and, apparently, inexhaustible stream of graphic narrative. When he and Bowen sat on opposite sides of the table, and got to capping each other's stories, the listeners were sure of an interesting half-hour. Both had had some curious experiences of Lord Westbury, which lost nothing in the telling. I remember sometimes thinking that no single personage of his generation can have afforded more amusement to his species than that versatile and accomplished lawyer. But how to recall such scenes or depict them? Yesterday's unfinished bottle of champagne is but a feeble representation of the staleness of the written record of transient hilarity. The essence of fun is to be spontaneous, apposite, and instantaneous. Caught between the solemn pages of a book, and stuck, like a butterfly with a pin through its back in a well-camphored tray for the purposes of science or curiosity, it is but the dead semblance of itself. Many of the good things which sent Bowen's companions away with the impression of having been infinitely amused, require the setting of the bland, mock-modest manner, and

hesitating utterance with which they were produced, and the smile of genuine enjoyment by which they were accompanied. Some of the Literary Society diners will remember the gravity with which, some one having mentioned a work, entitled "Defence of the Church of England, By a beneficed clergyman," Bowen suggested, "In other words, a defence of the Thirty-nine Articles by a *bonâ fide* holder for value." On another occasion reference was made to the fact that a publisher, who was popularly credited with driving somewhat hard bargains with authors, had built a church at his own expense. "Ah!" Bowen exclaimed, "the old story! *Sanguis martyrum semen Ecclesiæ.*" Sometimes his wit could turn a dexterous compliment, as when he assured some ladies, who had been climbing to perilous eminence on an Alpine crag, that they had solved the problem, which had perplexed the Schoolmen, as to how many angels could stand on the point of a needle. Sometimes a satiric touch. Some of the pleasure-hunting invalids at Homburg remember an observation of Lord Bowen's that a little dog, whose attendance on its Royal Master was not as faithful as might have been wished, was the only person at Homburg who did not run after the Prince of Wales.

Bowen's vivacity, gaiety, and ready wit—his

gentle irony never hardening into sarcasm—his flashes of humour, were naturally much appreciated in professional circles, and in that judicial Olympus, whose sublimity, it is not profane to imagine, may sometimes stand in need of a little enlivenment. Many such good stories live in the traditions of the Bar. Bowen's contemporaries recall an occasion on which the draft of an address to Royalty was being considered by the Judges. It contained the expression, "Conscious as we are of our shortcomings." Exception was taken to the phrase as pitched in too humble a key. No such consciousness, it was urged, besets the judicial mind. "Suppose," Bowen demurely suggested, "that we substitute- 'Conscious as we are of one another's shortcomings'?"

Equally amusing was Bowen's reply to one of the Judges, who was complaining that another member of the Bench had slept peacefully through the afternoon, and, on waking up at half-past three, had immediately adjourned the Court. "It is as it should be," Bowen said. "He obeyed the hymn, 'Shake off dull sloth, and early rise.'" Of one of his colleagues, whose temperament showed some want of masculine robustness, Bowen observed, "I do not know whether to speak of him as my learned

brother or my learned sister." On another occasion, one of the Judges having complained that he did not know what a "Jurist" meant, Bowen proceeded to give a definition. "A Jurist," he said, "is a person who knows a little about the laws of every country except his own."

Some of his outbursts of fun live in the traditions of the Western Circuit; as, for instance, in a case, in which the plaintiff's right to a piece of unenclosed land was grounded on the fact that his donkey had been habitually pastured upon it, the Judge, at the close of the argument, inquired whether the plaintiff claimed the land through his accredited agent, the donkey. "Yes, my Lord," was Bowen's prompt reply; "my contention is, *Qui facit per asinum facit per se.*"

A flash of gentle fun shows itself occasionally in Bowen's judgments. "Had I been left to myself," he said, in dealing with a case in which the Court below had shown a perverse ingenuity in misconstruing a document, "I should have thought—the judgment of the learned Judge shows me that I should have been wrong—that it was impossible to misunderstand this letter." "Her Majesty's Courts," he observed in a case, in which an attempt was made to defeat the plaintiff's claim on the ground of

an irregularity in procedure, "do not exist for the purposes of discipline, but for the decision of disputes between the subjects."

On the other hand, he discouraged a too free resort to the indulgence of joining new parties in the course of the proceedings, by the observation that a suit was not like an omnibus, in which any one is entitled to find a place, who hails it from the pavement in the course of its journey.

Recorded *bons mots*, however, are but the mummies of wit—records of the living man, but with a sepulchral aroma. As Bowen said of Professor Henry Smith, "the brightest conversation is often the most evanescent, and the *finesse* of wit, like a musical laugh, disappears with the occasion, and cannot be reproduced on paper or in print." The Bowen whom I remember, and would fain delineate, sparkling with genial and charming wit, lives better in familiar letters, never intended for any but the recipient's eye, or for any but an ephemeral existence. Mr. Justice Mathew kindly allows me to quote one or two, in which Bowen's natural gaiety seems to play at ease.

The "illustrious uncle," to whom reference is made in the opening sentence of the following

letter, is Father Mathew, whose apostolic labours went so far towards converting Ireland to sobriety.

“ Colwood, May 31, 1889.

“ MY DEAR J. C.,

“ I am convalescent, and shall be again at the Owlary next term ; but, as usual, in low spirits. Beef-tea—such is my experience (I believe the liquid was invented by your illustrious uncle) is a chastening beverage. I return a sobered man ; and if I am at Greenwich on the 20th I shall bring my own teapot, and sit on the balcony (during dinner) by myself. As for Politics—the Parnell Commission—the Common Law—Equity—Literature—Art—Science—they are all very unimportant subjects of thought and reflection to one who has had to live on beef-tea and to think of his immortal soul. I will not, therefore, offer any observations to you upon these or any other worldly topics.

“ Remember me to Dasent, and to Lyall at the Athenæum ; and, as you will probably receive this when you are on your way to the Courts, let me say once for all that I am an Equity Lawyer, and that jokes at the expense of Chitty, Cozens Hardy, or Mr. Justice Kekewich, are all equally misplaced. Give my love and esteem to Chitty. I do not call him a *sound* Equity Lawyer, but a pains-taking one. I will play him a single-wicket match on Blackheath Common before dinner on the 20th for a sovereign, and let him have Manisty to field.

“ It has turned very cold here. But it *was* delicious, all sorts of flowers blooming and smelling as sweet as ‘any-think.’

"Good-bye. Bless you. Remember me to the Chief. 'Be good, my lords, and let who will be clever.' Take this for your and Grantham's motto when you sit together, deciding questions of Habeas Corpus.

"Yours always,
"C. B.

"Billæus Rogerius writes that he has become a Sheriff's Chaplain, and, as such, has got a box of first-rate cigars. I shall be *There* betimes. Snuff and smoke. *Voilà la vie ! Pulvis et Umbra sumus !*"

The following request for a lift in his friend's carriage to the Lord Chancellor's breakfast in 1883 sinks below the dignity of history. I shall, I think, be forgiven for the lapse.

"Colwood, Hayward Heath, Sussex.

"My dear J. C.,
Will you be free
To carry me
Beside of thee,
In your Buggee,
To Selborne's Tea ?
If breakfast He
Intends for we
On 2 November next, D.V.
Eighteen hundred Eighty Three
A. D.
For Lady B.
From Cornwall G.
Will absent Be,

And says that She
Would rather see
Her husband be—
D dash dash D—
Than send to London Her Buggee
For such a melancholy spree
As Selborne's Toast and Selborne's Tea."

"What a libel on me!" is added in a feminine hand, and signed "F. B."

The "Athenæum" Club is popularly regarded as a serious institution, but here are a couple of letters, arranging symposia within its walls, which have an agreeable ring of fun.

"Saturday night.

"MY DEAR J. C.,

"Pax tecum, Archimagister bibendi! Don't forget you are WELBY'S and MY GUEST Tuesday 8 p.m., Athenæum, to meet the G.O.M.

"Other guests—Archbishop of Canterbury, American Minister, F. Leveson-Gower, Millais, Burnand, Du Maurier, Strong (a great Orientalist scholar; please talk to him, for he will know nobody), Alfred Morrison (probably), Robert Herbert (possibly).

"I shall *not* be there. My doctor won't hear of it. He has sent me to Colwood to-morrow (Sunday) by midday train.

"You quite comprehend, it is not an 'Ouse' dinner, but Welby's and *my* dinner."

"MY DEAR J. C.,

"Hope you are not in prison, but it looks like it. I see Dillon is.

"Is your throat better? I got a 'casual' to take your place at the dinner, but who could adequately fill it!!! So you will have nothing to pay, which may console you. We missed you much.

"C. BOWEN."

Here is a specimen of the sort of Latin in which famous scholars correspond.

"BEATE SANCTE 'MATTHIA,'

"Tu es, quod dicunt, 'Trumpa,' et ego gratias tibi ago. Cigarri sunt excellentissimi. At non ego volo (nam ambo pauperes diaboli sumus) accipere tuâ expensâ boxum tuum. Ergo si tabacconistæ tui mihi mittent duos alteros boxos, ego remitterem iis checkum pro tribus boxis; et animum meum liberavero ergo te.

"Accipe gratias meas mille tempora; et, quanquam Inquisitionem redoles, et Guyam Fawxum moribus refers, nihilominus te multum diligo; et tuus amicus (salvâ salute animi) semper remanebo.

"C. B."

On another occasion a festive evening is proposed. "Postquam dimidium maris transitum," adds the writer, as he goes on to describe what is to be the programme at this hilarious stage of the proceedings.

Many specimens of still more intimate and informal correspondence are existent—too intimate,

too informal, to be allowed to emerge from the confidential privacy of home-life which they presuppose. They are letters in which a bright and loving nature plays with a congenial task ; they fill the gap of separation with affectionate chit-chat—the gossip of the Athenæum, the Lobbies, the Courts, the last new book, the last new acquaintance, the flying joke of the hour, often recounted by its parent. A charming gaiety and tenderness pervades the whole. In 1885 he describes the Judges assembled for the opening of the Courts after the Long Vacation. “We walked in procession. The Chancellor was hungry, and I sent for some biscuits for him. I proposed that we should be fed in public on the first day of Term, and be given buns on the end of a long pole, like the bears at the Zoological Gardens. ‘Giff.’ (Sir H. Gifford) said, ‘Brett will never like feeding in public.’ ‘Oh yes, he will,’ I said ; ‘he is Master of the Rolls.’” On another occasion of the Judges’ re-assembling and a Chancellor’s breakfast, he writes, “All seems very cheery. As for the Chancellor, he is like a pious cricket on the hearth, very chirpy.”

Here is a letter written to me in India, as light of touch and gay in mood as Charles Lamb could have fashioned for an exile’s consolation.

"MY DEAR OLD FELLOW,

"Here I am again, after a long vacation has elapsed, sitting at the Athenæum ; Bishops on all sides of us—chiefly Colonial, it is true : God bless them, and give them a desire speedily to return to missionary labour. I am rather angry with you, for never writing—it is just what I always have to go through, always *you*, insisting, morally speaking, on taking my arm ; the very thought of what I have suffered from it (even now, when I am sitting here amongst all these Bishops) nearly brings strong language to my lips. However, seriously, *do* write me a long letter, and tell me all about yourself. Simultaneously, I shall send one to Mrs. Cunningham, in hopes of getting her to put pressure on you to write me a thoroughly nice letter.

"It is *October* 20. The long vacation just over. It is raining, and about four o'clock in the afternoon. I have just seen my wife off to the country, where I follow on Monday to begin circuit (the Western Circuit), and to try criminals. During the holidays we have been at home, at Colwood, our summer place, where we have built on to our old house, and made the place pretty and convenient. There my amusement has been *reading the classics* ! I pause here to say that I *know* you *don't* and *won't believe this*. It is what everybody says when they get to a certain time of life. Do you recollect old Cook and his 'Horace,' which he always kept in his bedroom ? Such numbers of respectable old idiots in my time as have said in my presence that they read the classics in the long vacation ! Neither of us ever would have believed them, and, upon my word, I don't know why either of us should believe the other—I mean on this particular point

—because I admit that on *all else*, all except this one thing, our character for accuracy is unimpeachable; *especially mine*. I have not been very well since you left England, till these holidays, when I have suddenly taken a new lease of health, and am really now all right. And we shall all be very glad when you and Mrs. Cunningham return: when will it be? And whatever you do, don't wait out so long that you don't care whether you return or not, because that is what I hear happens very often to the extremely aged. Come home at once before you feel your mental powers giving way, so as to bury them, so to speak, in consecrated ground, as I believe the Chinese always make a point of returning to China whenever seriously threatened with the measles.

“Now the Autumn Session nearly is on. Back all the members of Parliament are trooping to consider the Procedure Question. The Ministry never were so strong as just now. Practically, therefore, Gladstone can carry the Cloture if he pleases. And I quite expect he will, he is so obstinate: very good people usually are; it is, I have heard, owing to the fact that they generally are so stupid: because though intelligence and real moral grandeur in our own cases do go together, I admit that it would be absurd to apply that canon of criticism to our fellow-creatures.

“How time passes! Does it look like nearly twenty-five years since you read your English Essay in the Rostrum, and first learned, under my auspices, to smoke, and to get up early? Now, Willie, my eldest boy, is at Balliol; and Max is nearly as bad. The worst of these learned professions is that life goes so quick. You

begin one morning to read briefs; you go on reading, with short intervals for refreshment, past Christmases, Easters, Long Vacations, just as you pass stations in a first-class express. Here you look up, and the time has about come for the guard to begin to take the tickets. There is one thing certain, namely, that professional life is not worth the sacrifices it entails. You do give up too much to the enemy of Mankind,—even if he gives you the Lord Chancellorship at the end.

“I have been so much out of the way during the last six weeks that I can scarcely give you much intelligence either about public affairs or others. Arabi’s trial, if well managed, ought to take as long as the Tichborne case, especially if his counsel go on calling witnesses; nor do I suppose there is any reason why it should soon stop. Mr. *Blunt* I don’t know, except through ‘The Sonnets of Proteus,’ but I have no doubt the truth lies halfway between him and the opposite view. Half England—which is at best a lunatic asylum for the partially insane—is now occupied, much to its own satisfaction, in discussing the question whether Arabi’s ‘motives’ were genuine. The problem has the advantage of being insoluble, and of nobody knowing anything about it—two characteristics that make it very eligible at dinner-tables, as well as fascinating to the extremely young. The whole thing seems to me so grotesque. First, catching your enemy in cold blood; then, in a sort of moral maudlin mood, hand him over to be tried by an Egyptian native tribunal. Then, next, not feel *perfectly* sure that he has done anything wrong, and insist on his having a fifth-rate English counsel who can’t speak Arabic. Great Heavens!

what a people we are ! And yet we make history, just as the coral islands are made—are they not?—by insects sticking to one another. The next thing will be a subscription list for Arabi's defence. The fifth-rate counsel who doesn't understand Arabic will go on cross-examining for weeks, and in the end the tribunal will decide in favour of the side that pays the most ; and then the British public will insist on arguing it all over again. And what is so additionally absurd is, that nobody quite knows what he is to be tried for, or under what law. The day has now finished closing in—all the lights hang out in the windows ; it is still raining. Will you answer this ? Or do you intend to persevere in that ingrained course of making me do all the writing ? I shouldn't at all wonder. Meanwhile we all want you both home as soon as you can come. I am becoming so feeble and old that I really must have an arm in the mornings ; and I think I should get on better, and it would visibly prolong my life, if I were able to walk up and down in the mornings in the sun upon the pavement, leaning on your arm. I have not been reading any books at all, so can't talk to you about literature. Knowledge of reference, as Lord Palmerston observes, is knowledge in itself ; and as soon as you arrive at this sound idea, repose in life is possible—the first step to that Nirvana (complete absence of all moral or intellectual excitement ?) which I hope to enjoy before very long in your society.

“ Always affectionately yours,

“ CHARLES BOWEN.”

Charles Bowen's translation of the “Eclogues” of Virgil and the first six books of the “Æneid,”

published in 1887, took all but a very small circle of intimate friends by surprise. It had been the amusement of his leisure hours during the Long Vacations and other intervals of leisure for several years past—the amusement, the solace, sometimes, it must be feared, too much of a burthen. It is certain that this, as every other piece of work which Lord Bowen undertook, was performed with all the conscientious and exquisite diligence which was his natural mood. No one, he confided to an intimate friend, would ever have an idea of the amount of toil which it had involved. Hours had often been spent over a single line which proved refractory against the process of translation.

Many of Virgil's most beautiful lines are untranslatable. Some are more beautiful in sound than in idea, and can not be made melodious in English without betraying their poverty of meaning. Others, lovely alike in sense and sound, are too delicate to bear transplanting. Bowen himself was aware of the perilous difficulty of the task. "A translator of Virgil into English verse," he says, "finds the road, along which he has undertaken to travel, strewn with the bleaching bones of unfortunate pilgrims who have preceded him." He lays down, as axiomatic, that a translation of the

"Æneid," to be of any value, must be in itself an English poem, and the English poem, in its turn, must be a translation, not merely a paraphrase. Tried by these tests, "most Virgilian versifiers have perished in the wilderness." Dryden's rendering—noblest and most masculine of all—scarcely gives us more than a paraphrase. "He has taken Virgil into his powerful grasp, crushed him to atoms, and reproduced the fragments in a form which, though not devoid of genius, is no longer Virgil's. The silver trumpet has disappeared, and a manly strain is breathed through bronze." Professor Conington's translation—scholar-like, accurate, and skilful—shocks the reader by the substitution of a metre and manner as remote as possible from that of Virgil. "The sweet and solemn majesty of the ancient form is wholly gone. All that is left is what Virgil might have written if the 'Æneid' had been a poem of the character of 'Marmion' or 'The Lay of the Last Minstrel.'"

But the translation, as Bowen conceived it, involved a further requirement. Educated Englishmen have been fed upon Virgil from boyhood upwards: "Hundreds of Virgil's lines are familiar quotations, which linger in our memory, and round which our literary associations cluster and hang, as

religious sentiment clings to well-known texts in the Bible." The charm of association is lost, unless there be a "corresponding English line, pointed and complete in itself, containing, however imperfectly, the plan of the original." The translation should, therefore, be *lineal* as well as literal. In what English metre can these requirements be best satisfied? The standard English metres are too short for the purpose. The English hexameter, with its final dissyllabic foot shortened to a monosyllable, seemed to Bowen the best solution. This admitted of rhyme, in which habit has accustomed the English ear to take pleasure. Of the merits of this metre, as "susceptible of varied treatment, full of flexibility, capable of rising to real grandeur," Bowen was thoroughly convinced, though he dared not claim for it that it preserved the orderly and majestic movement of the Roman hexameter, or allowed of a consistent imitation of the Latin cadence. It was the best, however, of which the English language allowed. On this, and on the merits of the translation, it is for scholars to pronounce. Of all forms of foolish criticism, none seems more futile and impertinent than the offhand judgment, summarily pronounced on literary workmanship of an elaborate and exquisite order—the

result of long-sustained intellectual effort. No one certainly is competent to express an opinion on such a translation as this, who has not drunk deep of the Pierian spring, and studied the original poem in the reverential and appreciative spirit in which Bowen addressed himself to the task. Every line, it may be assumed, is as good as skill, scholarship, the finest literary taste, and a fervent spirit of literary endeavour could make it. No toil was spared, and no amount of time. But, then, toil and time struggle in vain with impossibility, and some lines of Virgil are to a translator, with Lord Bowen's aim and standard, impossible. The poem fascinated him as it has fascinated so many highly gifted natures at every stage of European culture. It was fitting that

“Old Virgil, who would write ten lines, they say,
At dawn, and lavish all the golden day
To make them wealthier in his readers' eyes,”

should be rendered to a modern audience by an interpreter who, with every other qualification for the task, was ready to devote long days, and burn the midnight oil, in giving every detail of his work the necessary polish. A highly qualified critic, Professor W. G. Sellar, of Edinburgh,* expressed,

* *Classical Review*, March, 1888.

in no hesitating terms, his view of the degree in which Bowen had achieved success.

“He combines in a higher degree than any of those who have previously attempted the task, the two requisites of finished scholarship, and of power, versatility, and delicacy in the use of language and metre. No one, however familiar with the language of Virgil, can compare passages in this English version, line by line, and phrase by phrase, with the original, without apprehending much that was in the poet's mind, which he had not perceived before, and without feeling his power and charm with a new enjoyment. The exact and refined scholarship of the translator shows itself in the minute carefulness of his workmanship, and his fidelity to the subtle suggestions and shades of meaning in the original. But to accurate scholarship and critical appreciation he adds the lively susceptibility, the mobility of mind and imagination, the affluence of language, and the power, care, and tact in its employment, characteristic of a literary artist; and, with these gifts of an artistic temperament, he combines acuteness and soundness of judgment derived from the education of a great practical career.”

Professor Sellar, though not so ardent an admirer as Bowen of a shortened rhyming hexameter, yet considers that “it reproduces, as well as any metre could, the simpler, more lively, and buoyant movement of the ‘Eclogues.’” It can do justice not only to their softer cadences, but to the deeper

tones which his sympathy with the grander voices of Nature elicits from the poet—

“Neither the whispering breeze of the south wind, now on its way,
Brings me a joy thus deep, nor the thunders of surf on the shore,
Nor when the rock-strewn valley resounds to the torrent’s roar.”

In regard to the “*Æneid*,” both metre and manner are, Professor Sellar considered, “more fitted to do justice to it as a poem of heroic adventure, of human sensibility and passion, of descriptive power, of great finish and detail, than as the expression of the Imperial sentiment and character of Rome—‘the stateliness and majesty,’ as he elsewhere expresses it, ‘of some of the more “Imperial” passages. . . .’” Let experts decide. Be the shortcomings of the metre what they may, it will not, I think, be denied that, in Lord Bowen’s hands, it was susceptible, on occasion, of a solemn grandeur and pathos which well became the scene, on which were displayed the destinies of an Imperial race.

Bowen himself was fully conscious of the key in which the patriotic passages of the poem must be pitched. They spoke to a Roman audience with the meaning and significance of a very personal interest. “To appreciate the *Æneid* truly, it is necessary to think of it always as written for the

ears of a people who had risen to be masters of the world, after an internecine struggle, out of which Carthage, long mistress of the seas, and redoubtable to Rome even upon land, had at one time nearly emerged triumphant, and in which Rome had nearly perished." *Dīs aliter visum.* The hand of Heaven pointed unwaveringly, through a long series of vicissitudes, to the predestined climax—the majestic and benign presidency of Rome over a conquered and submissive world. In the sixth book of the "Æneid" this splendid climax is kept constantly in sight. It is, says the translator, the noblest passage in Latin literature. Æneas, carrying in his person the fortunes of his race, visits the ghostly world, passes to the Elysian fields, discovers his father among the ranks of the blest, and learns from him the mystery of that second life, to which the purified soul, after ages of purgation, will return to live on earth. In a majestic procession the projected shadows of kings and warriors pass—Cæsar, Pompey, Augustus. The gorgeousness of the scene melts in the pathos of the boy Marcellus—a nation's hope and love—destined to die on the verge of manhood. Amid the splendour of a court ceremonial there breaks in the touch of Nature, and the mother, Octavia, is carried away, fainting, from the scene.

The episode is among the most striking, interesting, and pathetic of any which classical history presents. Nor is the translation unworthy of the noble language in which the original rises to a sublime occasion.

The first hours of the translation's existence were not without their vicissitudes.

"Fancy what might have happened!" Charles Bowen writes to his wife, May 24, 1884; "I was working in the library at the Athenæum, into a volume of my Virgil, the 'Eclogues.' Going home, I forgot all about it; it was 11 p.m.; nor did I think of my volume for three days after, when suddenly I recollected that I had not brought it home. What *had* I done with it? In a most melancholy frame of mind, I walked over to the Athenæum. There in the hall an advertisement—

'Found in the Library, a MS. Quarto Book
containing poetry.'

What do you think of that for an extra humiliation thrown in quite casually by Providence? I had to go and claim my beloved waif-and-stray with my tail between my legs; and now I feel that even the hall-porter says to himself: 'That a Lord Justice! why, he writes poetry!' Good-bye, my dearest."

Among many pleasant communications which followed the publication of the Virgil, there was one which Bowen must have especially prized as coming from an accomplished scholar and expert in classical

translation—his friend and brother Judge, the late Hon. George Denman.

“ Ipsi Virgilio qui jam superaddis honores,
Accipias grates, care poeta, meas.
Carmina quæ puero, vix intellecta, placebant,
Auspice te, referunt gaudia quanta seni ! ”

For any sustained effort in original poetry Charles Bowen's busy life afforded no opportunity. But his keen poetical sense and perfect mastery of language naturally prompted him, as occasion offered and the inspiring mood came on, to poetical composition. A small collection of these scattered pieces was formed some years before his death, but he never allowed them to pass into the hands of any but a few intimate friends. To such they are of great interest ; not, of course, as in any way adequate representations of his literary power, but as recalling the grace and sweetness—the fastidious taste, the fine ear for musical cadence, the gay and melancholy moods, the playfulness with its undercurrent of deep feeling, which they remember as characteristic of him and his work. They bear the impress of their origin,—fugitive, desultory, fragmentary, and, it may be, of unequal merit ; but to the understanding ear—especially to the ear of friendship—they have a music and a pathos of their own. They are in no

sense autobiographic; but none the less indicate various phases of sentiment, to which Charles Bowen felt moved from time to time to give poetic form.

In one he strikes the note of the ambitious and aspiring mind, checked and abashed by the fast-approaching end.

"Life and new life—Give me the cup once more.
No need to crown for me its rim with flowers—
These would but bring again the scent of hours
Too sweet to scorn, too fleeting to deplore.
To-day's triumphs—revel—joy in golden store—
Rich love itself hath brought me poor content,
For the gray thought that, ere the wine be spent,
Night comes apace to close the festal door.
Let boys vexat' face with lilies; I, ashamed
To do what yet I know not, strive a smile,
Smite once in thunder at all doors of fame,
And make dull worlds re-echo; ask but life,
To shake this dust, and be what men have been,
Ere I go hence, and am no longer seen."

In another he drops the plummet into the void, and shows human love in a gloomy but not unheroic phase.

"TO HERMIONE.

"Hermione, you ask me if I love;
And I do love you. But indeed we drift
Fast by the flying, fleeing banks of life
Towards the inevitable seas. It seems
But yesterday I saw, as in a dream,
Childhood—a flame of glory—come and go.

And, lo! to-day these hairs are flecked with time
Already ; and all the silver minutes glide
More dreamily than ever for the love
I bear you : hand in hand, and hour by hour,
Floating beside you to the sounding falls,
Whence we must leap together into night.
Are we not happy? Is not life serene?
We do but pass, you say, from one bright shore
Upon a brighter! Dear Hermione,
Be glad there is no shadow on your eyes ;
But this I know, that all the world beside
Seems faint with pain ; the rose upon your breast
Is not more full of perfume than the world
Of pain. I hear it even at your side
By day and night—the illimitable sigh
Breathed upward to the throne of the deaf skies—
A cry of hollow-checked and hungry men
Burning away life's fire for little ends ;
And women with wan hearts and starving eyes
Waiting for those they love to come again
From strange embraces—ruined womanhood
And barren manhood, fruitful but of pain.
Such is the shore we float from ; for the shore,
The brighter shore, we reach, I only know
That it is night, Hermione, mere night,
Unbroken, unilluminated, unexplored.
Come closer, lay your hand in mine ; your love
Is the one sure possession that will last.
Let us be brave, and when the Shadow comes
To beckon us to the leap, rise lightly up
And follow with firm eyes and resolute soul
Whither he leads—one heart, one hand, to live
Together, or, if Death be Death, to die."

In another, conceived in a very different mood, but with equal charm and grace, we find friendship reassuring its recipient, and protesting with elaborate,

The longer poems abound in description of much beauty and refinement, the sadness of life making its presence felt amidst touches of a gayer mood.

“THE SONG OF THE LAUREL.

“ Under Olympus, divinity haunted,
Lies a rich valley, Apollo, of thine ;
Lowland and upland, with grey olive planted,
Lovely in spring, but in summer divine.
Deep in its heart, where the gorges are narrow,
Moist with the foam-dew afloat from the glen,
Silver Peneius, a white water arrow,
Enters in thunder, and issues again.

“ Hither at morn, when the mountain in shadow
Rested, untroubled as yet of the noon,
Came truant Naiads afoot through the meadow,
Twining wet grasses to petals of June.
Pleasure and youth, ankle-deep in the lotus,
Chasing the bee, and outsinging the bird ;
Never of late, since Impiety smote us,
Voices as sweet by our rivers are heard.

“ Couched in mid cover, the singer Apollo,
God of the forest and king of the bow,
Watching his deer as they drank in the hollow,
Marked the divine apparition below.
Glowing immortal had seldom beholden
Bosom more snowy or sunnier hair,
And in the prime of the age that was golden
Gods were but frail when a Naiad was fair.

“ Swiftly he loosened his belt and his quiver,
Laid down his bow and his arrows of light,
Stole like a thief through the flags of the river,
Silent and swift as the wings of the night.

Saw in her beauty the daughter of Ladon
Zoneless and free, unaware of the God ;
All the ripe meadow for love of the maiden
Breaking in blossom and light as she trod.

“Was it dim sense of his presence appalled her,
Or an elm leaf in the deep thicket stirred ?
Was it the heron that uprose by the alder,
Conscious of peril, her sentinel bird ?
Sudden she paused in mid carol arrested,
Stood like a marble in frozen affright ;
Soon, as a fawn by the leopard molested
Fled for Peneius, nor stayed in the flight.

“Fierce are the loves of Immortals, a fuel
Burning as pinewood, and stormily spent :
Tears in the weak stir the thirst of the cruel,
Never yet made one pursuer relent.
Then, in despair, seeing none to deliver,—
All her bright girlhood to sorrow so nigh,—
Flying, she sobbed a wild prayer to the river,
Still to live on as his maiden or die.

“Down underneath in their green water palace,
Hard by the ocean’s unquenchable springs,
Crushing sea grapes till they foam in the chalice,
Sit, coral girdled, the grave river kings.
Faint sealight glimmer about them:—a lustre
Born of pale diamond and stones of the brine ;
Agates above them in pendulous cluster
Lit by the spirit of clear hyaline.

“Blinded with mist of the watery ages,
Eldest in race of all Tritons that be,
There, in the middle, the eyeless sea sages
Harped of the wonders and works of the sea.
What mellow song from sweet Sicily flattered
Orpheus the bold and his mariner crew ;
And how the trident of seagod had shattered
Continents vast into Cyclads of blue.”

"How the great deep, after tempest abated,
Washed a white waif to the caverns of green,
Whence driven thither no tongue hath related,
Or from high Heaven, or from inner ravine.
Long in the depths of her shimmering prison
Daughter and darling of ocean she lay :
Then with soft laughter to earth had arisen,
Venus, a cloudlet of sun and of spray.

"Down underneath, in the pause of the story,
Came the loud wail of the fugitive girl ;
Till from his dwelling Peneius the hoary
Lifted his head o'er the roofing of pearl :
Marked the hot chase of the God to o'ertake her,
And, in deep pity of her the forlorn,
Sware a great oath by the mighty Earth-shaker,
Ocean should keep what of ocean was born.

"So sware the God, and the oath was recorded—
Straightway the earth rose in wavelets around,
Took and transfigured the maiden, and corded
Both her slight feet in a stem to the ground.
Branches began where the shoulders had rounded,
Leafy knots budded from bosom and brow,
And in his triumph the victor confounded
Clasped at a woman and kissed but a bough.

"Where in the meadow was Daphne, the maiden,
Daphne, the laurel, arose to the sun ;
Steadfastly rooted and foliage laden,
Praising the Gods for deliverance won.
Then, as half woman, in gentle compassion
Of the wild lover who wrought her alarm,
Swayed by the breeze, and in pain at his passion,
Circled his brow with her evergreen arm.

"This is the song of the God and the Laurel,
And the bright water-nymph, turned to a tree.
This is the song,—but wherein is the moral ?
Listen, Aglaïa, fairer than she :

Who counts each cape and islet,
Round which the vessel trails,
Where Love is master-pilot,
And Fancy fills the sails?

“And still Silenus tarried,
Till the sun’s chariot soon
To middle heaven had carried
The glowing afternoon.
Shadeward the lizard glided ;
The fields were faint with light
And, ere the day divided,
He saw another sight.

“Treading no mirthsome measure,
Nor hand in hand they came ;
His eye was dead to pleasure,
Her cheek a fever-flame.
He chides her feet that linger,
And mocks her tear that flows ;
She pulls with joyless finger
The petals of a rose.

“And so the twain departed,
That met at morning dew,
Life, worn and dreary-hearted,
And Love—to travels new.
And every summer blossom
They plucked at break of day
Went fluttering down the bosom
Of wind and cloud at play.

“Thereat Silenus, smiling :
‘If Love and Life,’ said he,
‘Thus end their soft beguiling,
No nectar joys for me.
Methinks the fates who fashion
Our pasturage and path
Make of the flowers of passion
A barren aftermath.’

“ And ere his mood was ended,
 Down kneeling in the weed,
 He took and cut and mended
 A shining river reed ;
 And blew thereon a measure
 So piercing and so sweet,
 That all the Fauns for pleasure
 Came trooping to his feet.;

“ He sang of summers wasted
 In wooing idle wind ;
 How Love's ambrosia tasted
 Leaves bitterness behind ;
 And how the woods are lonely,
 And how the Gods are wise,
 And gave Silenus only
 The secrets of the skies.

“ Far off till shadows darken,
 And twilight holds the plain,
 The shepherds stand and hearken
 To the enchanted strain.
 There sits Silenus playing,
 That all who hear may know
 How Life and Love from maying
 Return not as they go.”

“ TO A FLOWER.

“ Lie thou upon the grave of one, whose cheek
 And soul were fair and virginal as thou,
 In silence, Tears are vain, and words are weak,
 And she hears nothing now,

“ But the great chant and movement of the spheres,
 The unending harmonies, supremely sweet,
 Whereof all music is an echo here,
 And Joy and Life a beat.

“Of which great hymn her life, a little time,
Was a far note and image. This she hears,
And is upgathered to the march and chime
Of the planets and the years,

“And swells their tuneful tide with her new birth :
Nor knows, nor can she know for very bliss,
Her death hath made the heaven and all the earth
A wreck and wilderness,

“To him who places here these buds of spring ;
Else were her joy undone,
To whom the pain of every living thing
Was grief to think upon.

“Lie there. Exhale thy perfume—droop, and fade ;
Make the world poor by one more sweetness fled.
Die of a little sun or too much shade,
As lovelier things are dead.

“Emblem of her who was the flower and fruit
Of innocence and beauty. Here she shone,
So white of heart, that Falsehood's self was mute :
An envious wind touched her, and she is gone,

“Leaving this earth, where her brief lot was cast,
The memory of a fragrance and a strain ;
To us who loved—the ever present past,
Beauty, deep bliss, and an undying pain.”

“SHADOW-LAND.

“Far, far aloof from Olympus and its thunder,
Lost midway in the spaces of the night,
Lies a dim wilderness of vanity and wonder,
Half within darkness and half amid the light.
Stray suns visit it : the callow moon has found it :
Sad seas circle it, a melancholy strand ;
Dreams impeople it, and shadows are around it,
And the Gods know it as the distant Shadow-Land.

- “ Phantom music of Coronach and Plain
 Rolls wind-borne to the sky for evermore ;
 Sun-mists open, and reveal to Empyrean
 How shadows live on the visionary shore.
 Life that were sleep, but for dreams that overcome her,
 Smiles that are tears, and ambition that is pain,
 Hopes unharvested, and springs without a summer,
 Round the sad year, and renew themselves again.
- “ All things there suffer death and alteration,
 Fair flowers bloom for a season and are bright,
 Songs over-sweet but outlive a generation,
 Ring for a little and are gathered into night.
 Cycles decay and their sepulchres have perished,
 Kingdoms depart and their palaces are sand,
 Names unchronicled, and memories uncherished
 Fill the lost annals of the distant Shadow-Land.
- “ Here great souls, in a plenitude of vision,
 Planned high deeds as immortal as the sun ;
 Winds sang their requiem, and had them in derision—
 Thoughts left in cloudland ; purposes undone.
 Here sate Youth with the crown her lover brought her,
 Fond words woven for her coronal to be ;
 Brief lived, beautiful, she laid it by the water—
 Time's waves carried it, and whelmed it in the sea.
- “ What spirits these so forsaken and so jaded :
 White plumes stained and apparel that is rent :
 Wild eyes dim with ideals which have faded :
 Weary feet wearily resting in ascent ?
 Heroes and patriots, a company benighted,
 Looking back drearily they see, along the plain,
 Many a bright beacon which liberty had lighted
 Dying out slowly in the wind and in the rain.
- “ ‘ Ah ! sad realms, where the ripest of the meadows
 Bring bitter seeds to maturity,’ I cried ;
 ‘ Ah, sweet life, who would change thee for the shadows !
 Take me again to earth's summers, O my guide !’

Smiling he answered me, 'Thy journey home is ended,
Raise up thine eyes, and behold on either hand ;'
Straightway lifting them, I saw and comprehended,
Earth was herself the Gods' distant Shadow-Land."

"MANQUÉ.

"I could have sung, had life been clear
From thoughts too sad for mortal ear,
And visions full of human wrong.
But doubt and tumult in the brain
Confused the dream and spoiled the strain :
And now—the wild winds sing my song.

"I could have loved, had love's repast
Been as the mortal passion vast,
Or matched the longing of the soul.
But larger love than earth can know
Would leave our deepest fires aglow—
Now—o'er my heart the waters roll.

"I could have wept, had any tears
Been as enduring as the years
That make and mar our mortal span.
But hearts grow cold as seasons fly,
Life leaves us but the power to sigh,
And takes the strength to weep from man.

"I could have striven, had trumpets blown,
Had but some battle banner shown,
Some feat been named, to do or die.
But the ignoble grooves of life
Were all remote from hero strife,
And down we drifted—Time and I.

"O winds, eternal mountain choir,
More passionate than mortal lyre !
O waves, more loud than trumpet-tongue !
Ye chant the wild regrets of man ;
His fever since the world began—
Ye know the songs my heart had sung."

On rare occasions Bowen addressed a general audience on topics which lay outside the domain of law. One of them was in December, 1888, when he distributed the prizes at the City of London School, and took the opportunity of remarking on a controversy which was attracting attention—the value of examinations as an educational method, and of the crammer, the object at the moment of somewhat unreasonable objugation. He told a good story of a complaint of Chief Justice Cockburn that an aged charwoman, whose duty it was to light the fires in the Judge's rooms, had been carried off by the Treasury in her declining years to undergo a Civil Service examination. There is a natural feeling that "an Englishman's ignorance, like his house, is his castle—a kind of South Africa which ought to be closed to explorers." As matters stand, the crammer—though he does not come across the path of the real student, the real artist, or the real man of science—is not without his uses. "Cramming is the tribute which idleness pays to the excellence of industry. The crammer does his best for his pupil. He may overload him, but he produces him, after all, in the condition desired by the market."

In 1891, again, Bowen addressed the Walsall Literary Society, and selected novel-reading as his

topic. Some touches recall the sort of talk with which Bowen would amuse a congenial circle.

"Few writers," he says, "have painted the outside and, so far as there is an inside, the inside of ordinary insipid characters better than Mr. Trollope. . . ."

"Eugène Sue was not fit either to serve in heaven or reign in hell. His distinct mediocrity of taste was redeemed by wit, and enlivened by a kindly epicurean familiarity with the world. The least superficial quality he possessed was his frivolity, which sinks to a considerable depth, though his other powers are more easily exhausted."

George Sand's self-consciousness is glanced at as a shortcoming of genius.

"The authoress who wishes to outlive her contemporaries must first learn to outlive her own *malaise*." "Love-making," he observes elsewhere, "seems to have been a natural taste even in the primitive days ; but our modern familiarity with its phenomena is partly due to the continuous exertions of novelists. Much of love has only been learnt under the instruction of some woman who has herself only learnt it from a book."

He combats the realistic theory that "the literary workman is entitled to portray the pigsties of Epicurus, provided that the colouring is masterly, the composition skilful, and the pigs true to nature."

"The end of scientific inquiry is, unquestionably, truth ; but the literature of the imagination is an art, not a science,

and its object is not truth, but the truthful presentation of beauty, and of other conceptions, which are really suited for the pen. Authors are not bound by any divine law of their being to surprise truth in all her hiding-places. Nor is it necessary that everything should be described in romance, any more than in real life it is the duty of everybody to be photographed. . . . It is not the absence of costume, but the presence of innocence which makes the Garden of Eden."

On another occasion, in 1893, Charles Bowen addressed a gathering of students of the Working Men's College, Great Ormond Street, an institution in which he had, thirty-two years before, taken an active interest. He now broke a friendly lance with Professor Mahaffy, who had been saying some gloomy and disrespectful things about popular education. The address sparkles with flashes of the fun which played, like an electric flame, over Charles Bowen's most serious mood. He gives the Dublin Professor a little gentle satire on his undue pessimism; but he evidently is to a large degree in sympathy with his views.

"The first result of a great educational movement is a general diffusion of mediocre knowledge, and it is idle to expect a literary millennium at once to set in. Till recently intelligence ran in a restricted channel between boundaries that were ungenerously narrow. The river has

broken its banks and overwhelmed the land; it sweeps in a sounding sea over the plains, and one can not be surprised that it does not flow everywhere at its old depth. At such periods in the onward march, a great deal is said, done, and written that is below the level of creditable learning. The noise of newly emancipated tongues drowns the still small voice of culture. High standards are not recognized, or cease to be impressive; the quality of the supply is affected by the quantity of the demand, since cheap thought, like light claret, can be produced on an extensive scale. The highways and byways of literature are given up, so to speak, to the literary bicyclist. He travels in a costume peculiar to himself, and he considers the landscape as his own. Expressions of violence are employed to describe commonplace emotions. Towards individuals we practise the same indistinctness of judgment, the same indifference to proportion. We pursue successful men and women to their down-sitting and uprising; we enjoy descriptions of their household furniture. Memorials are erected to every one who will only die in the odour of respectability. We write long biographies of nobody, and we celebrate the centenaries of nothing."

Culture is naturally alarmed at the inroad of Gothic hordes into regions sacred to literature and art, and at the turmoil incidental to the invasion.

"One can even conceive of the most brilliant professors at our Universities, under the influence of temporary disquietude, jealously and suspiciously mounting guard over their own educational blessings, as if they were keeping an eye on their luggage at a crowded railway station."

It is unfair, however, to criticize the inevitable incompleteness of a new system with microscopic exactness.

“The bystander will misjudge the significance of the change, if he concentrates his attention on the roughness and unsightliness of the rude building-plots on which the edifices of the future have only begun to be laid out. Reforms have, as a rule, to be purchased at some sacrifice of the luxurious quiet and picturesque amenity to which the past has been accustomed, just as a railway interferes with the seclusion of the village or the beauty of the valley.”

But the education from which real ennoblement may be hoped must not be estimated from the commercial and mechanical point of view.

“Instruction ladled out in a hurry is not education. The cultivation for market purposes of brute brain power has its uses, public and private; but the market advantages of education are not the criterion of its value to individuals or the nation. To teach the young generation to snatch greedily at mental improvement, with the sole purpose of disposing at a profit of what they learn, is to narrow and injure education. Education must not be regarded as a mere ladder of advancement and advertisement, as a means of pushing, in front of others, into an inner circle, where the good things of this life are being given away. Egotism will spoil education as it spoils religion and as it spoils ethics. All three lose their virtue and medicinal efficacy when selfishness settles down upon them like a fog.

Education does not mean the knowing a little more Latin or Greek than one's neighbour, or the application, for pecuniary purposes, of a superior polish to one's own brains. Its true purport and mission were discovered by those who conferred on learning the name of 'the humanities,' based on the conception of universal sympathy with mankind. Education, touched by this principle, ceases to be a personal struggle, and becomes an illumination—a training based on the sense of human fraternity. Thus conceived, it is desired as the best means of sharing the great thoughts of the past, and comprehending the hopes of the future. The point at which it kindles and ennobles is where we first reach the atmosphere of great men, great deeds, great ideas. Up to this moment knowledge may have been a delicate luxury, the satisfaction of a taste, the indulgence of a curious passion. From and after such a moment we live, not in ourselves, but in the fellowship of the greatest thinkers and the best men. The story of the world, thereupon, lights up into a narrative of evolution—a story of the conflicts and triumphs of freedom, heroism, and truth. And, whatever be the ultimate catastrophes of the universe, they will not have obscured for us the spectacle, on this tiny and perishable planet, of an unwearying race, of which we ourselves are part, still linked together in prospective and retrospective sympathy, still pressing onward, still nursing the sacred fire, still cherishing ideals, still hoping for perfection."

CLOSING YEARS.

FROM his appointment as a Lord Justice of Appeal to his promotion to the House of Lords, in 1893, Bowen's life was of the same laborious and uneventful tenor as in its earlier stages. The claims of the Court of Appeal were imperative and continuous. The judgments there delivered—authoritative declarations of English law—sometimes clearing away obscurities, sometimes correcting mistakes of long standing, sometimes modifying an old rule in its application to new and altered conditions, necessitated the utmost care, erudition and research, and left but scanty leisure for other interests. Occasionally, the chance of a holiday presented itself. In 1883 the Canadian Pacific Railway Company invited a party of distinguished Englishmen to travel over its line, and enjoy its splendid hospitality. Lord Coleridge, Hannen, and Charles Bowen were of the party.

The expedition, however, proved more fatiguing than he had hoped to find it, and Bowen, after a while, broke off from the party and travelled home slowly by himself, not much the better, so far as health was concerned, for his two crossings of the Atlantic.

In February, 1885, Bowen received tidings of a compliment which, I believe, gave him greater pleasure than any of the honours which had fallen to his lot. The master of Balliol wrote :—

“MY DEAR LORD JUSTICE,

“I have the pleasure of announcing to you that the College, in the exercise of this singular privilege, yesterday elected you Visitor, if you are willing to undertake the duties of that, not very troublesome, office.

“We are all very glad of the election (which was unanimous) and no one more than I am.

“Ever yours affectionately,

“B. JOWETT.”

Early in 1890 Charles Bowen sustained a great sorrow in the death of Alexander Craig Sellar, one of his oldest and most valued friends. Few losses could have cost him more. Sellar's cheery and genial temperament, which enabled him to render such important services to his party in the House of Commons, made him in private life the best of

companions. No man could tell a story better, or had a more unfailing supply on hand; his Parliamentary experience had brought him into contact with many men, and his native shrewdness and insight had turned his opportunities to the best account. But, with him, mirth was ever mellowed with kindness, and those who knew him most intimately had the strongest sense of his goodness of heart, his chivalrous sense of honour, and the sincere kindness of nature which gave a charm to his society. His health had for long been uncertain and failing, and the strain of his Parliamentary life hastened the collapse. In the summer of 1889, he went to Homburg, but only to return a dying man. Several months of suffering ensued, and in the spring of 1890 the end came. Throughout the illness Charles Bowen's continuous letters of gossip and affection had done much to cheer his friend. He was at this time himself in extremely bad health. He had been attacked by the prevailing epidemic of influenza, and suffered a long and painful illness. The disease affected the nerves of the eye, and gave him many weeks of acute suffering. He was greatly prostrated, and his general health received a serious shock. When, at last, he was sufficiently recovered to allow of his removal

to Colwood, the change seemed to work but little good. At times he would brighten up, and talk with something of his accustomed gaiety and zest; but he underwent frequent relapses. It was at last resolved to try the experiment of a sojourn on the Riviera. His old friend, Mr. Bullock Hall, was residing at Valescure, and offered him and Lady Bowen a cordial welcome. Subsequently the Bowens moved into another villa, which the kindness of a friend placed at their disposal, where, a little later, he heard of his father's death, at Bordighera, the consequence of an attack of influenza. Mr. Bowen was in his eighty-ninth year, and had, up to the last, preserved his powers, mental and physical, unimpaired.

In March, 1890, Professor Jowett writes to Charles Bowen with reference to these events.

"MY DEAR BOWEN,

"I was going to write to you, as I have been any time during the last six weeks, when I saw in the paper the death of your venerable father. I fear that you have had a great deal of trouble lately; but I hardly count this as a trouble, for he was a most excellent man, and lived beyond the usual term, and he was very happy, and a great part of his happiness was your distinction and success. And now he is—where we all shall be some day—with God.

"Since we met, we have also lost another dear friend,

about whom I shall have much to say to you when we see one another again. Your words were the greatest comfort to him and to his family.

"What I am chiefly anxious about is your health. You have had a very long and depressing illness, and must have had the thoughts which usually accompany such an illness. I suppose that resignation is an alternative which has sometimes crossed your mind. I hope that you will exhaust all the possibilities of rest and vacation before you have recourse to this *dernier ressort*. But, if you should be unable to go on at present, do not look at the prospect as at all desperate. You will have leisure for reading and thinking, and probably the opportunity of using your great legal faculty in the House of Lords—more liberty, and, therefore, more force for any purpose.

"I fear that I must have seemed very negligent of you in your trouble, when I think of all the regard and affection which you have shown towards me for so many years. I have really thought of you constantly ; but the life which I lead during term-time makes it difficult for me to write letters."

Charles Bowen attended the yearly banquet of the Royal Academy in May, 1891, and the duty devolved on him of returning thanks for the President's graceful welcome. His speech, light, graceful, amusing, was in the best style of after-dinner oratory. Lord Leighton's picture of Persephone escaping from her husband's embrace to that of her mother, was a great feature of that year's

Exhibition, and Bowen created much mirth by his happy allusion to it in connection with a trial which had recently excited great public interest, and in which the right of the husband to the custody of the wife had been in question.

“While one distinguished orator after another has risen in the course of the evening to acknowledge the toast of the particular profession which he adorns, or the special branch of human interest which he represents—while Princes and statesmen, musicians and actors, have come forward in turn to lay what Sir Philip Sidney calls their laurel tribute before the chair of all conquering Art, my pleasure in their performances has been of a mixed kind, and has been clouded over with the pale cast of an after-dinner speaker's care. What is to be left, I have reflected, for me to say on behalf of all your guests collectively, when all these wise and charming things have already been uttered on behalf of each separate and respective group? Those who have preceded me have rifled all the Graces and pillaged the garden of almost every Muse. Nothing remains for me at all, except that final blessing, which those who speak latest and at the closing hour of an eloquent evening can always find reserved for them at the very bottom of Pandora's box, a contribution doubly blest, which blesses him who gives and them who take—the quality of an exceptional and rigid brevity. But, Sir Frederic, before the voices of your guests cease, and in anticipation of your own expected words, it is my privilege to propose to you one more toast—the toast of prosperity to this bright and great Academy. In the confusion and

controversy that has overtaken much of modern thought, in the disturbance and displacement of many canons of criticism and old-world standards of moderation, a pessimist might sometimes be tempted to think that Art herself had fallen on evil days, indeed, as Milton says—‘On evil days had fallen and evil tongues’—on evil days in which the æsthetic atmosphere becomes, upon occasion, malarious and infected, and on evil tongues which do not hesitate to proclaim aloud that ugliness and disease themselves have a right to be made immortal, provided only they are sufficiently intense. At such moments this country turns with relief and confidence to her own great painters and great sculptors, past and present, as to men who have never trafficked with the best traditions of their craft, but have been content to live and die in the classical faith, handed down to them by those of whom humanity is proud. But an artist’s noblest function is to create what is beautiful and noble. And with this toast of the Academy, and in especial reference to such a thought, let me, Sir Frederic, couple your name. Accomplishments and gifts cluster round you as naturally as bees are said to have gathered round the infant head of Pindar. But painter, sculptor, and scholar as you are, your countrymen see something in you beyond successful genius; they find in you, with delight, a loyal lover of the beautiful, whose sense of what is exquisite and perfect is always elevated and serene. The fortunes of all English institutions lie ‘in the lap’ or ‘on the knees’ of the gods. I do not observe to-night that you are threatened with extinction by her Majesty’s Government; I do not think even if you had been threatened it would have made very much

difference. The Chancellor of the Exchequer, in his impassioned speech, has asked whether, although painters can portray the wrongs of women, they have been bold enough to delineate women's rights. If the Chancellor of the Exchequer wishes for an answer to that question he has only to look behind him. *Si monumentum quæris, respice*. I see before me as I address you a great picture of your own which appeals especially to myself as a lawyer. It represents Persephone, Queen of Heaven, returning from her husband's to her mother's embraces, released from an unwelcome honeymoon by the special order of the Court of Appeal, to which I have the honour to belong. I am informed on credible authority—but my sight is too indistinct to admit of my verifying the statement—that in the background, although at an extreme distance, may be seen my learned friends, the Lord Chancellor and the Master of the Rolls, looking with pleasure at the liberated captive. Long may you continue, Sir Frederic, to captivate our eyes and charm our ears, by pictures such as those which this year adorn these walls, and by speeches such as those you have to-night addressed to your guests ; and may the day be long distant when you shall cease to be what you long have been, and still are—the gifted and gracious representative of English art."

In 1892 Bowen was still suffering from the troublesome consequences of his illness.

"I have had a bad time of it," he writes to Mr. Justice Mathew, in February of this year. "Last week I certainly was much worse ; but I am once again going forward. The terrible weakness that I find the result of influenza,

Butt, apparently, doesn't experience. But some people do ; and one begins to despair of ever getting off the sofa. In other respects I am progressing well enough. I mean to sit next term, *comme ça va*. Like Mrs. Chick, I think efforts must be made."

In the autumn of 1892 Charles Bowen and his wife passed some weeks at Braemar. His companions there observed with pleasure a marked improvement in his health and spirits.

"The shadow of his mortal illness," writes the Warden of Merton, speaking of this period, "hung over him long before its nature was acknowledged ; but I, for one, was deceived by the wonderful recuperative power which he exhibited in 1892. During August of that year I was staying at Braemar, to which he came, partly by my advice, and where he settled with Lady Bowen. . . . This was the last time that I saw him at his best ; and when I remarked his buoyancy of spirits and vigour in walking over the hills, I became quite reassured as to the soundness of his constitution. Judge Hughes and his wife, together with other congenial friends, happened to be there, and he was soon joined by his brother Edward, who accompanied us on several mountain excursions, amongst others in ascents of Lochnagar and Ben M'Dhui, both of which involved several hours' stiff climbing. Bowen declined riding on Lochnagar, and dispensed with his pony for a great part of the way on Ben M'Dhui. After my departure, he made a second ascent of Ben M'Dhui, with other long expeditions. On his return, he looked better than I had seen him, but the effect did not last very long."

Bowen returned to the South greatly benefited by the sojourn at Braemar, but his wife's health was now beginning to give him serious anxiety. Matters grew worse as the winter advanced, and for many months he was haunted by the dread of impending calamity.

In the spring of 1893 it fell to his lot to go upon Circuit, a duty which his wife's prolonged illness rendered especially burthensome. Those who were about him observed with pain the load which was weighing upon his spirits, and the serious effects of mental harassment upon a physique which at the best was barely equal to the calls upon it.

In August of this year Lord Hannen was compelled by failing health to retire from his duties as a Lord of Appeal, and Charles Bowen succeeded to his post. The appointment was heartily welcomed alike by the profession, the public, and the intimate personal circle, who hoped that the comparative lightness of the work might conduce to a restoration of his health, about which many were becoming increasingly anxious. "You need do nothing," said one of his friends, in enjoining this aspect of the case, "but assent to the judgments of your colleagues." "In that case," said Bowen, "I had better take the title of Lord Concurry."

He had, unhappily, no opportunity of showing how impossible such a *rôle* would be to his ardent and conscientious nature. Shortly after his promotion, the Government requested Lord Bowen to undertake a piece of work which lay outside the regular scope of his new duties, but which he did not, on public grounds, feel justified in declining. This was to act on a Commission nominated by the Home Secretary for the purpose of inquiring into the circumstances of an unfortunate collision between a small body of soldiers and a mob at the Ackton Hall Colliery at Featherstone, the property of Lord Masham, in Yorkshire. In the summer of 1893 the West Riding miners had gone out on strike, and at the close of July some eighty thousand had been thrown out of employment. In September, the concentration of the Police Force at Doncaster for the race week had left the county in an abnormally undefended condition in case of a breach of the peace. At the Ackton Hall Colliery a party of twenty-eight soldiers had found themselves confronted with a mob of some two thousand persons, who threatened to destroy the colliery works. The officer in command ordered a volley, and two persons were killed. The Committee—Lord Bowen, Sir A. K. Rollit, and Mr. R. B. Haldane—

were requested to inquire into the circumstances. The Report is of interest as containing a clear enunciation of the law—not previously free from obscurity—defining the duties of citizens, official and lay, civil and military—in giving aid against actual or apprehended violence at moments of public disturbance. For Lord Bowen's friends, the Report possesses a melancholy interest, for it was his last public work.

He was not, when he undertook the task, in a condition to justify that or any other intellectual or physical effort. He performed it—as every piece of work which fell to his lot—with punctilious care. His address on opening the Inquiry was observed as a type of dignified and self-contained eloquence. The Report itself bears the impress of thoroughness, research, and unwearying solicitude to deal with a grave question as its importance deserved. But it was the work of a man who knew that the close of his labours was near at hand.

Bowen gave but one vote—a silent one—in the House of Lords, in support of the Government in a division on the Employers' Liability Bill.

His health had been declining throughout the year. In the autumn he went to Braemar, the air of which had done him so much good the previous year.

"My dear J. C.," he writes from that place in April, 1893, "I have been at Homburg and over in Scotland among the Covenanters. Not that there is not a corrupt church at Braemar, and the priest thereof is a grand hand at 'curling' in the winter, and much beloved, therefore, by all religious sections."

The result of the visit to Scotland was disappointing. Bowen made several walking-expeditions, and seemed for a while to be gaining strength; but the friends who were with him on both occasions could not but observe a marked deterioration of his bodily powers. He came back ill, and was met by the news that the Master of Balliol lay in a dying condition at Headly Park, the residence of his friend and former pupil, Mr. Justice Wright. Thither Bowen hurried at once, and arrived just in time for an affectionate recognition during Jowett's last remaining hours of consciousness.

The last public occasion on which Charles Bowen took a part was one which I believe that, if he had had the choice, he would have chosen as the crowning act of his life. On December 2, 1893, a meeting was held in the theatre of the University of London, in Burlington Gardens, to consider the form which could most appropriately be given to memorials to the late Master of Balliol. The

Speaker presided. Lord Salisbury, as Chancellor of the University, moved the first resolution, expressing regret at the loss which the country and the University had sustained in the late Master's death. He was seconded by the Lord Chancellor and Mr. Asquith, who pronounced an eloquent and feeling eulogium upon Jowett's character and work. Lord Coleridge next moved a resolution to the effect that the Master's memory should be perpetuated, and his work carried on by raising a fund which might from time to time be applied to maintain, strengthen and extend the educational work of Balliol College. He spoke with all the grace and charm of which he was so perfect a master, of his friend of fifty years—for he had become a Scholar of Balliol on the same day as Jowett became a Fellow—"of the loss which any fast and firm friend feels at the departure of another, and feels not the less because he knows that his own departure is at hand." Lord Bowen seconded the Chief Justice in a speech chiefly directed to explaining the form which it was proposed that the memorial should assume.

"I do not propose," he said, "to add to—by touching to tarnish—the tribute of affectionate and grateful words which have been offered this afternoon to the Master's

memory by those in the State and in the University, who knew him. I desire only to add a few simple words by way of explanation, and, if justification be needed, of justification of the form which this Resolution has taken. This is a unique occasion. When great men pass away, the public retains a grateful sense of their services; and few great men pass away, like the late Master of Balliol, surrounded by an atmosphere of affection which enabled him, at the close of an honoured life, to count his friends, not, as some happy people can, by scores, but by hundreds and thousands. For I will venture to say that there is no part of the British empire in which he had not friends and lovers, who heard of his death with the deepest regret, almost amounting to dismay. This is a unique occasion, because we have here amongst us a large body of those who owe a debt which nothing can repay, and no words describe, to the great College, the maintenance of which was the life work of the late Master. Beyond and outside there is a larger and still more important portion of the world, composed of men of every opinion, of every shade of thought, political and theological, who, differing as they must from the late Master in many respects, are all united in this: that there never has been given in our generation a nobler type of a beautiful and devoted life. To those of us who were Balliol men, not much need be said in favour of the Resolution which Lord Coleridge has proposed. Nothing that we can do for our ancient mother, Balliol College, can wipe out the debt of gratitude we owe her. But of the larger portion of the world outside who are interested in Balliol only as one of the branches of a great

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suffering as little gloomy and painful as possible to those around him. The bodily distress incidental to his illness was endured with unwavering serenity. His cheerfulness remained to the last. "In my life," said Sir W. Savory, who was consulted in the last illness, "I have never seen anything so touching as the courteous consideration which that dying man expresses in every word and gesture."

The news of the extreme gravity of Lord Bowen's illness, and of its near and certain issue, came with a painful surprise to many of the friends who, though they knew him to be in bad health, had witnessed his recovery on former occasions, and now were venturing to hope that the vitality of his constitution might carry him through another trial. Only a few weeks before his death did the terrible secret escape, nor did it even then spread beyond a very limited circle. Mr. Gladstone, with whose recently published translation of "Horace" Charles Bowen's last hours of study had been employed, wrote to Lord Rendel a letter of warm sympathy.

"April 8, 1894.

"I cannot help troubling you with a line to say for myself how deeply I feel for you all, and even, let me add, how much more deeply I feel with you all, as to the alarming illness of Lord Bowen and its probable, though,

I would fain hope, uncertain upshot. I cannot help looking at such a man, with regard to the interest which his country and his race have in him. His great profession abounds with able and distinguished men. But I am not sure that there was ever one among them from whom so much was to be hoped as from him, with reference to all those highest interests of mankind which are at stake in the controversies and in the general movement of our unquiet, though most deeply interesting, times. It so often seems as if those were about to be taken early from the world whom the world can least afford to lose. But this is, after all, endeavouring to mend the government of God, whose works and ways are so far beyond our feeble grasp.

"I feel confident that he will look with a Christian eye upon the prospect before him, and that the aid will be found sufficient for him, which has been sufficient for so many that have preceded us, and on which alone we that remain have to rely. Through his great trial may the grace and power of God effectually carry him to the land of rest.

"It would be a satisfaction to learn that his suffering was abated, and I trust that Lady Bowen bears up, and is borne up, under the heavy trial."

Among the letters which Lord Bowen received at this time is one from Lord Coleridge, which the friends of both men, each so close to the end of his journey, will care to have preserved.

"March 4, 1894.

"MY DEAR CHARLIE,

"I do not at all like the message you sent me, though it was dear and good and like yourself to send it.

I shall not be back in London from Stafford, where I go on Tuesday, till the 13th or 14th, and then, if you see fit to see me, I shall make my way to you at once. Meanwhile, though you do not need me to tell you, I am constantly thinking of you, and going back in thought to those days, when for years, we almost lived together, and when you were a friend such as I never had but one, and shall never have again. I will not try to write out my heart. You know it already. God bless you, and give you back to those who love you. My love to Lady Bowen.

“Always most affectionately yours,

“COLERIDGE.”

During the early days of April, Charles Bowen's illness made rapid progress, and it became obvious that a few more days must bring the end.

To the privacy of home belong the incidents of those last solemn hours, the remembrance of the sweet serenity with which suffering was endured; the consideration for others, which personal distress seemed only to quicken; the fortitude, and resignation, and, to use his own almost dying words, “profound humility” with which Charles Bowen met his end. To such loving remembrance they may best be left, unspoilt by any attempt to shape them into words. A few messages of affection to some of his friends were the last that reached the outer world. On the morning of April 10th he passed away.

He was buried in Slaughtam Churchyard, near the country home where so much of his leisure had been passed. The spot is a lovely one. The churchyard commands a wide sweep of undulating country, studded with the familiar objects of a typical English landscape. The sky was flecked with the clouds and showers of early spring as his friends gathered to his grave, but presently the afternoon became lovely and serene. His son, and his old and faithful friend, the Dean of Westminster, performed the last office of friendship and religion. As the solemn rite proceeded, a skylark sprang into the air, and, as if in unconscious derision of human sorrow, poured out a flood of joyous song, which still rang in our ears as we left him to his long rest. How much brightness and sweetness seemed to many of us to have vanished out of life !

At the same hour, another service was held in Lincoln's Inn Chapel, where a great gathering of Charles Bowen's colleagues and friends assembled to deplore their common loss. One of the officiating clergy was Lord Bowen's much-esteemed friend, the Rev. William Rogers, whose companionship at the Athenæum and elsewhere had been among the pleasures of later life. He too has passed from

amongst us. The Benchers of Lincoln's Inn resolved on a permanent memorial, and an epitaph by the polished pen of Mr. Justice Denman, himself so soon to follow his friend, perpetuates the testimony of Bowen's contemporaries.

In the vestibule of Lincoln's Inn Chapel a marble tablet bears the following inscription:—

“IN MEMORIAM VIRI DILECTISSIMI
CAROLI SYNGE CHRISTOPHERI
BARONIS BOWEN DE COLWOOD
HUIVSCE HOSPITII NUPER E CONSILIIIS
CUI ÆQUALES FERE OMNES
PUERO ADOLESCENTI ET ÆTATE FLORENTI
SE IPSOS POSTPONENDOS SENSERUNT
RUGBEIA QUOD ILLUM IN LUDIS ET IN STUDIIS
PRÆSTANTEM INSTITUERIT ADHUC GLORIATUR
OXONIA ILLUM COLLEGIUMQUE SUUM BALLIOLENSE
INTER ALUMNOS LECTISSIMOS COMMEMORANT
ILLUM OMNES JURISPRUDENTIUM ORDINES
COLLEGAM SOCIUM AMICUM
NON MAGIS ELOQUENTIA DOCTRINA SAPIENTIA
QUAM MODESTIA COMITATE ET SALIBUS
EXIMIUM AGNOVERUNT
NULLI QUAM NOBIS FLEBILIOR OCCIDIT
CRUDELI HEV MORBO ABREPTUS
A. D. IV. ID. APRIL
A. S. MDCCCXCIV
ÆTATIS SUÆ LX.”

Rugbeians, old and present, did similar honour to the memory of their school-fellow. Oxford, a few weeks later, added a fitting note of sorrow to the general lament over one of the choicest of her sons. At the Commemoration in June of 1894, Dr. Merry, Rector of Lincoln College, and Public Orator of the University, discharging the traditional duty of his office, mentioned, among other memorable events of the year, his old college friend's death in terms of graceful eulogy.

"Id quoque ægre ferimus, quod denuo Balliolensium vicem dolere oporteat, quibus et Magistrum suum deflere contigerit, et Visitatorem; alterum plenum annis ac laboribus pæne defunctum, alterum tempestivam modo maturitatem assecutum, et summis honoribus ac titulis nuperrime cumulatum.

"Venit mihi in mentem jucundissima CAROLI BOWEN recordatio, quocum ego ipse studiorum communitate et hilari sodalicio quondam sui conjunctus. Quantam spem in optimo illo juvene collocavimus æquales; quantum successum augurari, quanto amore prosequi gaudebamus! Lectissimo illi atque ornatissimo adolescenti, omni lepore et venustate affluenti, Musis amico doctrinæque studiis dedito, nihil fere aliud denegaverat Natura nisi longum vitæ spatium. Dederat sane miram ingenii perspicaciam; dederat facundiam, urbanitatem, elegantiam, ita ut nemo fere in judiciis aut causas melius orare aut leges luculentius interpretari posset. His accedebat summa humanitas ac mores suavissimi; nec verborum gratia deerat nec sermonis

festivitas, seu scribendo vacaret, sive cum sodalibus colloqueretur. Dulcem animam avere atque valere jubemus."

To Lord Coleridge, the loss of Charles Bowen was a grievous personal sorrow.

"On the 20th of March," he writes to Sir M. E. Grant-Duff, "Bowen borrowed a Horace of me, and spoke of a long sick-leave to get rest, and come back to his work really refreshed. I knew he had not a month to live, and that interview was hard work. You, dear old friend, immensely over-rate what I did for him. It was not a tenth, or a hundredth, part of what he did for me; but I did love him with my whole heart, and I thank God for the blessing of his friendship. . . . Jowett might have given an estimate of him, for no one has done so yet; but he has gone first. How Bowen was loved, and how he deserved it!

"Like clouds that rake the mountain summits,
Or waves that own no curbing hand,
How fast has brother followed brother
From sunshine to the sunless land!"

One other expression of affection from Lord Coleridge, dictated during his last illness, and signed with literally a dying hand, came to Lady Bowen a few weeks after her husband's death. Lord Coleridge himself died a few days later.

"Do not suppose, my dear Lady Bowen, that I have forgotten or neglected your very kind letter; it is useless to try to express what the loss of Charles Bowen is to me.

I will not attempt it : I will only say that it is a loss which I feel every day—if I said every waking hour, I should not exaggerate the depth of my feeling for him. For four weeks I have been hovering between life and death ; they tell me now that I shall recover, but if I do, I shall come back into a poorer world, which never can be to me again what it was a couple of months ago."

Here my task ends. Would that the portrait were more worthy of its theme ! I have tried to picture Charles Bowen's temperament—sweet, joyous, affectionate ; instinct with natural gaiety, but crossed with sombre strains of thought and a melancholy mood. Conscious of great powers, which a continued series of successes forbade him to forget, and fired with the ambition to play the part in life for which he felt the capacity, he was haunted, throughout, with the misgivings which are the heritage of thoughtful natures—misgivings as to the scope and limitations of human existence, and the real value of the prizes which life offers. He was haunted, too, by sentiments and motives alien to the sterner stuff of which ambition should be made—delicate consideration for others—courtesy, the outcome of a generous soul—nicety of moral judgment, a fastidious taste. So it was that, in the struggles and rivalries of professional life, he never made an enemy, never provoked a grudge. So,

too, it was that in a wide circle of friends his death was felt as one of the events which irreparably dim the brightness of existence. It was, indeed, to a "poorer world"—poorer in all that stirs the soul to admiration and love,—that we returned the day we laid Charles Bowen in his grave.

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Estate, as heir of Sir John Tichborne, Bart., who died in 1862. It next came before the Court of Common Pleas in the shape of an issue, directed by the Court of Chancery, as to whether the plaintiff was, or was not, heir to Sir John Tichborne. Serjeant Ballantine was leader for the plaintiff; the Solicitor-General, Sir John (Lord) Coleridge, with Bowen as one of his juniors, conducted the defence. The trial of this issue began in June, 1871, and speedily attracted public attention, partly from the strange and romantic character of the plaintiff's story, partly from exertions of the plaintiff and his supporters to obtain notoriety. It was obvious from the outset that the inquiry would be a protracted one. The plaintiff's task would have daunted all but a sort of bulldog audacity, strongly reinforced by impudence. His case rested on improbabilities so gross that it seems strange that any one could have given it a moment's credence. For instance, an explanation had to be given of Sir Roger Tichborne's incomprehensible silence from the date of his disappearance after the foundering of the *Bella*, in 1854, to his production by his Australian *entrepreneurs* in 1865, and of the strange metamorphosis which, on the assumption of identity, had befallen him in physiognomy, style, habits, recollections, tastes,